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The Regulations of the Government of Fort William in Bengal in force at the end of 1853, vol. I

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S = Law and Legislation / Regulations / ~~India / 1854~~ / Index / India / 1854

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PREFATORY NOTE.

In preparing the present Work for the use of the Civil Officers of the Bengal Government, two objects have been especially kept in view:—the one to reduce its bulk within the smallest possible limits; the other to enable those who should have occasion to consult its pages, to follow out the subjects of their inquiry from the earliest to the latest enactments by which they are affected.

To the officers of the Government in the several departments of administration who have to make frequent reference to the code as a manual for their direction, it must be desirable that the book should not be encumbered with matter unavailable to them. In carrying out the first object, therefore, all repealed laws or parts of laws have been omitted, except where, in some special cases, a partial retention seemed necessary in order to the understanding of some subsequent rules, framed when those earlier provisions were yet in force, and referring to them. In such cases, as well as in all others where authorities or powers are mentioned which have ceased to have operation, the terms, sentences, or other superseded portions are printed in italics.

The Acts relating to the special authority of Her Majesty's courts—those which regulate the municipal government of the town of Calcutta, passed in connection, not with the civil code of Regulations, but with enactments formerly denominated "Rules, Ordinances, and Regulations," or with bye-laws or specific Acts of Parliament,—the charters of banks and other commercial bodies,—Acts which have force in the Eastern settlements only, and those for the regulation of the marine and pilot services, have all been left out of the collection. They do not apply to the duties of the civil branches of the service, for whose use the present work was prepared, and they may be easily procured by all persons who require them for their own use.

In the process of compression a difficult task presented itself in dealing with what may be termed the special codes enacted for the administration of affairs on the acquisition of new territories—those in Benares in 1795, and the Ceded Provinces of Oude in 1803, in the Doab and Bundlekund in 1804, and in Cuttack in the same year.

The Benares Regulations of 1795 introduced into that province the judicial and revenue systems established in the Lower Provinces in 1793; but the tenures of the new territories differing in many important particulars from those of Bengal, a class

of rules adapted to the circumstances of the country was required which should engraft the principles of the permanent settlement on the fiscal usages of Benares; a large proportion of the first enactments being consequently retained in the Benares code, a reference to the Regulations for Bengal has been substituted for a reprint, wherever it could be so arranged.

The Oude code was originally framed with a view to a permanent settlement of the revenue as in Bengal and Benares, but the relinquishment of that design was announced by Regulation IX. of 1812. The tenures of the Oude provinces assimilating with those of Benares, rather than with those of Bengal, the revenue enactments exhibit a corresponding analogy in their provisions. The Regulations for this province will be found to incorporate the modifications which had been introduced by the various enactments passed in the course of the preceding years; so that, but for the declared limit to its operation, the Oude code might be considered to be a consolidation of the laws of the first ten years of the system. Under these circumstances a considerable reduction of the bulk of the work has been effected in the Oude branch, by the substitution of references for repetitions, on the principles stated in the "NOTICE" prefixed to the Regulations of 1803,—with what success the task has been performed, can only be determined by those for whose use the work is prepared.

To facilitate reference generally, and to assist the public officer in tracing the successive modifications of whatever topic he may require to investigate, numerous marginal and other notes are appended, which direct the inquirer forward from the earliest rule, through successive changes or additions, to the latest provision on the subject under examination. If this design should, in any particular instances, be found not to have been perfectly executed, it may be hoped that the difficulty of the task will excuse what no pains have been spared to avoid.

In the course of the sixty years of legislation which these volumes embrace, great and fundamental changes have been introduced, and scarcely one subject, however extensive or limited, has escaped amendment or alteration. The original code of 1793 contemplated an entire separation of the judicial functions, both civil and criminal, from the duties of the revenue department. The office of zillah magistrate was coupled with that of the civil judge, whose jurisdiction was unlimited as to the amount for which suits might be instituted in his court. The Provincial Courts of Appeal and Circuit were, in their civil capacity, the court of first appeal from the zillah; in their criminal jurisdiction they held sessions for the trial of prisoners committed by the magistrates. The Sudder Dewanny and Nizamut Adawlut were the tribunals of last resort in India, in civil and criminal issues. A jurisdiction of small extent only was given to native commissioners.

Under the system as it now exists, the office of magistrate is severed from that of civil judge, and either separately held or coupled with that of collector, whose revenue establishments are made available for police purposes. The Provincial Courts have been abolished: their civil jurisdiction in original suits is exercised

by uncovenanted judges, and their appellate jurisdiction is divided between the Zillah Court and the Sudder. The zillah judges take up the position in relation to the uncovenanted judges which the Provincial Courts formerly held to the zillah judges. The powers of the judges of circuit were transferred first to Commissioners of Circuit, and then to the zillah judges, under the designation of "session judges."

The zillah registers no longer exist, and their judicial functions are transferred to the uncovenanted judges. The very limited civil jurisdiction originally confided to native agency, has been gradually enlarged, until principal sudder ameens, sudder ameens, and moonsiffs dispose of all suits in the first instance; these offices have been opened to all competent persons, without respect to nation, birth, or creed.

The office of superintendent of police, first established locally in 1808, was abolished in 1829 and restored in 1837. In the interval it had been assigned to the Commissioners of Circuit, who were constituted in 1829; those officers again have been relieved from a large portion of their judicial duties, in order that they might more effectually perform those of Commissioners of Revenue.

The Mahomedan law, which in the earlier years of our legislation kept the judges of the Criminal Courts in trammels, has been much relaxed in its control over their decisions, and in some cases entirely dispensed with, both in the Sessions Court and in the Nizamut Adawlut.

Such has been the expansion and remoulding of the elements which existed in the earliest enactments in respect of gradation of authorities, principles of administration, and limited rights of appeal. At one time procedure was altered, at another the powers of execution and control were transferred to other hands. Sometimes in an advanced stage of legislation, rules were enacted which, without specifying any particular provisions as abrogated or otherwise affected, did, in fact, annul or modify preceding rules in various modes not always easy of detection. Where the effect of the modifications was doubtful, the reference only is given in the margin, the text being left unaltered.

These changes, wrought at successive periods, have caused much entanglement and perplexity, the more so as they were more frequently effected by partial modifications and references, than by enactment of new and consolidated rules, or by rescission of the matter that had been superseded. It is hoped that the notes, with the use of the classified tables and the index, will facilitate, to an extent of some importance, the labour of consulting the various portions of the code; for that process is still unavoidable, and must necessarily involve an amount of laborious comparison, especially to the junior members of the service, from which consolidation alone can relieve them.

In order to render the index as little cumbrous as possible, the multiplication of references has been, as far as practicable, avoided, it being hoped that on consulting the passage first referred to, the marginal notes there found will direct the further research where necessary. Where under one general head several rules were to be placed, it seemed best to follow the chronological order of the enactments, rather than to attempt an arranged classification, by which, if the principle should not be understood or apparent,

the trouble of reference would be rather increased than diminished. Of the most important Regulations and Acts, an analysis is given under their appropriate heads.

Regulation XV. of 1853, which modifies the rules for appeals to the Sudder Dewanny Adawlut, having been received in England after the completion of the index, the analysis of that enactment forms a supplement to the general index, at page 518.

When the large amount of the matter which has been dealt with and the intricacy of its several parts is considered, the Editor does not allow himself to hope that no passages which ought to have been noted by marginal reference have escaped, or that no rule that has been superseded is left in the collection. Should any such instances be discovered, it is hoped that the various modes of reference adopted, will prevent the public officer from being misled. The Editor feels assured that he will be the most readily pardoned for any such oversight by those whose duties have made them the most conversant with the code and its intricacies, and who can best appreciate the difficulties of the task which has been performed.

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——— LOCAL 519

ADDENDA ET ERRATA.

Page.	Year.	Reg.
xxii.	1831	XI. *to* "C. and C. P.," *add* "and general."
xxxvii.		*Under* head "Criminal Courts generally," *insert* "1801, IX., procedure in cases of resistance of process of Criminal Courts."
xliii.		*Under* "Salt and Saltpetre," *for* "1819, IX.," *read* "1819, X."
xlv.		*Under* "Military and Naval," *dele* "1828, V., awards of Military Courts to be executed by Civil Courts."
13.	1793.	II. x., *add* to the marginal note, "and Sec. vi. Reg. III. 1829."
22.	—	III. viii., *insert* in margin, "see Sec. iii. Reg. II. 1833."
91.	—	IX. xvii., *omit* in margin, "and xxv."
100.	—	X. ii., *insert* in margin, "see Secs. iii. and iv. Reg. VI. 1822."
113.	—	XII. viii., *insert* in margin, "see Sec. x. Reg. X. 1806."
117.	—	XIII. ix., *insert* in margin, "see Sec. x. Reg. X. 1806."
200.	—	XXVIII., in note, *for* "Act VII." *read* "Act XI. 1836."
212.	—	XXXVI. viii., *read* as rescinded by Sec. vi. Reg. XX. 1812, "*each leaf of which shall be paged and attested by the judge of the Dewanny Adawlut of the zillah or city.*"
384.	1795.	XXX., *insert* at end, "see Reg. XV. 1797."
457.	1797.	II. iii., *insert* in margin, "see Cl. 8, Sec. xiv. Reg. VIII. 1805."
474.	—	XVI., *insert* as foot note, "Provision is made for the execution of the decrees of her Majesty in Council by Act XXV. 1852."
488.	1798.	V. iii., *insert* in margin, "see Sec. xi. Reg. XIII. 1808."
593.	1803.	II. xviii., *insert* in margin, "see Cls. 3 and 4, Sec. vi. Reg. VIII. 1805."
612.	—	1, *insert* in comparative table, opposite xxxi. Cl. 1, "XIV. 1797."
614.	—	VII. xxxvi. xxxvii. xxxviii., *for* "V. 1797," *read* "IV. 1797."
615.	—	In comparative table, opposite Sec. xxiii. *for* "Sec. v. Reg. II. 1799," *read* "Sec. vi. Reg. II. 1799."
625.	—	XVII. xvi., in margin, *for* "XXVII. 1793, xvi.," *read* "XXXVI. 1793, xvi."
629.	—	XXIV., *add* to note, "see Sec. ii. Reg. VI. 1817, and Sec. xxix. Reg. II. 1819."
634.	—	XXV. xii., *add* to marginal note, "and Sec. vi. Reg. III. 1829."
648.	—	XXVII. ii. 2, *insert* in margin, "see Sec. x. Reg. V. 1804."
659.	—	XXVII. liii. 5, *add* to marginal note, "but see Sec. xi. Reg. IX. 1833."
678.	—	XXXI. xx., *insert* in margin, "see Sec. ii. Reg. VII. 1808."
684.	—	XXXV. iii., *insert* in margin, "see Cl. 8, Sec. xiv. Reg. VIII. 1805."
689.	—	XXXVI. xx., *insert* in margin, "see Sec. ii. Reg. VII. 1808."
712.	—	LII. iii., *insert* in margin, "see Secs. iii. and iv. Reg. VI. 1822."
720.	—	LIII. ii. 7, *insert* in margin, opposite last sentence, "Modified by Sec. vii. Reg. XII. 1825."
735.	1804.	III. iv. 1, *for* "XII. 1796," *read* "XI. 1796."
770.	1805.	VIII. iii., *insert* in margin, "see Reg. IV. 1818."
771.	—	VIII. iv., *insert* in margin, "see Reg. V. 1832."
772.	—	VIII. viii. 1, *read* "together with, &c.," *to* end of sentence, as rescinded.
773.	—	VIII. xiii., under marginal note, *for* "Reg. III. 1796, Sec. ii.," *read* "Reg. III. 1798, Sec. ii."
776.	—	VIII. xxix. 7, *for* "LVIII.," *read* "LV.," and *for* "X. 1803," *read* "X. 1793."

LIST

OF

THE BENGAL REGULATIONS.

ABBREVIATIONS.

B. B. O.—Bengal, Behar, and Orissa.

Ben.—Benares.

C. P.—Ceded Provinces in Oude.

Con. P.—Conquered Provinces on the Jumna and Bundlecund.

Cut.—Cuttack.

C. C. P.—Ceded and Conquered Provinces.

Loc. Mis.—Local Miscellaneous, not coming under the foregoing divisions.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1793.								
I.	B. B. O.			—				The Revenue Settlement of Bengal, Behar, and Orissa, declared permanent.
II.	"			—				Powers and duties of Collectors and of the Board of Revenue.
III.	"	—						Constitution and Jurisdiction of Zillah Courts.
IV.	"	—						Rules for receiving, trying, and deciding Civil Suits.
V.	"	—						Rules for receiving Appeals, and the relation of the Court of Appeal to the Court of original Jurisdiction.
VI.	"	—						Jurisdiction, powers, and duties of the Sudder Dewanny Adawlut.
VIII.	"			—				Rules for the decennial Settlement of Bengal, Behar, and Orissa.
IX.	"		—					Powers and duties of Magistrates, the Courts of Session, and the Nizamut Adawlut.—Rules of Mahomedan Law, modified.
X.	"			—				Powers and duties of the Court of Wards.
XI.				—				Succession to estates of intestate proprietors.
XII.	"	—	—					Appointment and responsibilities of Mahomedan and Hindoo Law Officers.
XIII.	"	—	—					Appointment, removal, and duties of ministerial Officers of Courts.
XIV.	"			—				Recovery of arrears of Revenue.
XV.	"	—						Rates of Interest to be allowed on loans and mortgages.
XVI.	"	—						Reference of suits to arbitration and to the Nazim.
XVII.	"			—				Recovery of arrears of Rent.
XVIII.	"	—	—					Preservation of judicial records, civil and criminal.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1793.								
XIX.	B. B. O.			—				Validity of La-Khiraj Titles, not Badshahee.
XXI.	"			—				Preservation of Revenue Records.
XXII.	"		—					Establishment of Police.
XXIV.	"			—				Payment of pensions charged on the Land Revenues.
XXVI.	"	—		—				Fixing the age at which landholders attain majority.
XXVII.	"				—			Resumption and abolition of Sayer.
XXXIII.	"			—				Embankments, reservoirs, and water-courses.
XXXV.	"						—	Coinage.
XXXVI.	"	—					—	Registry of Deeds and Wills.
XXXVII.	"			—				Validity of La-Khiraj Titles Badshahee.
XXXVIII.	"	—	—	—			—	Revenue and judicial covenanted servants forbidden to lend money to Natives.
XXXIX.	"	—	—	—				Appointment, removal, and duties of the Head and Town Kazis.
XLI.	"	—	—	—	—	—	—	Enactment and authority of Regulations.
XLIII.	"			—			—	Allotment of lands to native invalid officers and soldiers.
XLIV.	"			—				Limitation of term for grant of leases by proprietors.
XLVIII.	"			—				Formation and continuance of quinquennial Register.
XLIX.	"		—	—				Affrays respecting disputed rights in land.
L.	"			—				Court of Wards may admit females to manage estates.
1794.								
III.	"	—		—				Recovery of arrears of revenue — Recovery of money or accounts from public servants — Expediting the settlement of revenue accounts.
IV.	"			—				Rules for the delivery of Ryotty Pottahs.
VIII.	"	—		—				Reference of revenue accounts by Courts to Collectors for report.
1795.								
I.	Benares.			—				Permanent Settlement of the Land Revenue of Benares.
II.	"			—				Rules of the temporary Settlement preceding the permanent. Enactment, authority, and construction of Regulations.
IV.	"					—		Prohibition of the collection of internal Duties.
V.	"			—				Powers and duties of the Collectors of Land Revenue.
VI.	"			—				Recovery of arrears of revenue.
VII.	"	—						Constitution — Duties — Powers, and jurisdiction of Zillah Courts.
VIII.	"	—						Rules for the institution and trial of Civil Suits—Privileges of the Rajah of Benares.
IX.	"	—						Rules for the institution and trial of Appeals.
X.	"	—						Jurisdiction of the Sudder Dewanny Adawlut in appeals.
XI.	"	—	—					Appointment and duties of law officers.
XII.	"	—	—					Appointment and duties of ministerial officers of Courts.
XV.	"	—						Reference of suits to arbitration, and to the Rajah.
XVI.	"		—					Administration of criminal justice.
XVII.	"		—					Establishment of Police.
XVIII.	"	—	—					Preservation of judicial records.
XIX.	"			—				Formation and continuance of quinquennial Register of Lands.
XXI.	"	•	—					Prevention of Koorhs—Dhurna—and Infanticide.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1795.								
XXII.	Benares.	—	—					Record of judicial rules anterior to the Judicial Code.
XXVII.	"			—				Rights of proprietors under the Permanent Settlement.
XXVIII.	"	—					—	Registry of deeds and wills.
XXX.	"			—				Preservation of revenue records.
XXXIII.	"			—				Record of rules respecting the cultivation of indigo by British subjects.
XXXIV.	"			—				Pensions payable from the Moolky treasuries.
XXXV.	General.			—				Recovery of arrears of rent.
XXXVI.	"		—					Rule to provide againt loss of criminal trials en route to the Nizamut Adawlut.
XLI.	Benares.			—				Validity of La-Khiraj Titles, not Badshahee.
XLII.	"			—				——————— Badshahee.
XLIII.	"			—				Allotment of land to invalid native officers and soldiers.
XLIV.	"			—				Succession to estates of intestate proprietors.
XLV.	"			—				Recovery of arrears of rent.
XLVI.	"			—				Embankments, reservoirs, and watercourses.
XLVIII.	"	—	—	—			—	Revenue and judicial covenanted servants forbidden to lend money to natives.
XLIX.	"	—	—					Appointment, removal, and duties of Head and Town Kazis.
L.	"			—				Limitation of term for grant of leases by proprietors.
LI.	"			—				Rules respecting Ryotty Pottahs.
LV.	B. B. O.			—				Constitution and duties of the Court of Wards.
LVIII.	"			—				Commission granted to Collectors, on La-Khiraj resumed.
LXI.	"						—	Mint-Master to furnish Collectors with money-weights.
LXII.	"						—	Abolition of the Mint at Moorshedabad.
1796.								
II.	General.		—					Procedure of Magistrates against Offenders, being European British subjects.
III.	B. B. O.			—				Limitation of the operation of the Court of Wards' Regulation.
IV.	General.	—	—					Provisions for the absence of judges and magistrates.
VII.	B. B. O.			—				Court of Wards — Contumacy and profligacy not grounds of disqualification.
IX.	General.		—					Appearance of prisoners' witnesses before the Court of Sessions.
X.	"	—	—					Provisions in case of difference between judicial officers on the construction of Regulations.
XI.	"		—					Procedure against persons resisting or evading process of Criminal Courts.
XIII.	"	—						Court of Appeal to adjudge interest in decrees, and to punish litigious appeals.
1797.								
II.	Benares.		—					Police responsibilities of landholders and farmers.
IV.	General.		—					Administration of Mahomedan law — Procedure on charges of Sorcery — Examination of witnesses in criminal cases.
VI.	"		—					Appropriation of police funds.
VII.	Loc. Mis.	—	—					Zillah of Bakergunge constituted.
VIII.	Benares.	—	—					Prosecutions for recovery of losses by theft to be civil suits.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1797.								
XIII.	General.		—					Powers and duties of assistant Magistrates.
XIV.	"		—					Levy of fines—Equivalent imprisonment—Restitution of stolen property.
XV.	"			—				Fees on divisions and transfer of estates — Definition of "Jumma."
XVI.	"	—						Appeals to her Majesty in Council—Order of her Majesty in Council, 10th April, 1838.
XIX.	"	—	—					Translations—Rescissions of previous rules.
1798.								
I.	"			—				Procedure in cases of conditional sale, or Bye-bil-Wuffa.
II.	"	—						Bewastas or Futwas, their weight in civil Cases — Petition to superior on procedure of inferior Courts.
III.	"	—	—					Vacations of the Courts.
V.	"	—						Security in Appeals—Preservation of judicial records.
1799.								
I.	Loc. Mis.						—	Freedom of trade on the frontiers of Sylhet.
II.	General.		—					Punishment of guards conniving at prisoners' escape.
IV.	"		—					Procedure in cases of crimes against the state.
V.	"	—						Procedure on the death of Mahomedans and Hindoos possessed of property.
VII.	B. B. O.			—				Recovery of arrears of rent and revenue.
VIII.	General.		—					Administration of Mahomedan law.
IX.	"	—						Procedure on resistance of process of Civil Courts.
X.	"		—					Reference of trials to the Nizamut Adawlut.
1800.								
I.	"	—		—				Appointment of guardians to minors, being proprietors not subject to the jurisdiction of the Court of Wards.
II.	Benares.			—				Use of stone-quarries at Chunar.
V.	"			—				Extension to Benares of Regulation VII. 1799.
VIII.	General.			—				Establishment of pergunnah registers.
X.	B. B. O.			—				Succession to landed estates.
1801.								
I.	B. B. O. and partly Benares.			—				Realization of revenue — Amendment of Regulation VII. 1799. Separation of talooks from zemindaries.
II.	General.	—	—					Constitution and powers of the Courts of Sudder Dewanny and Nizamut Adawlut. Powers of single judges.
III.	"	—	—					Procedure on charges of perjury preferred by parties against witnesses.
VII.	Loc. Mic.					—		Duties on dhonies and vessels navigating the Hooghly.
VIII.	General.		—					Administration of Mahomedan Law—Reference of trials to the Nizamut Adawlut.
IX.	"		—					Procedure in cases of resistance of process of Criminal Courts.
1802.								
II.	"				—			Duties on spirits manufactured at distilleries worked in the European manner.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1802.								
III.	General.	—						Securities to be taken in civil suits and appeals.
VI.	"		—					Prevention of infanticide at Saugur and elsewhere.
1803.								
I.	Ceded Provinces.	—	—	—	—	—	—	Enactment and authority of Regulations.
II.	"	—						Constitution, jurisdiction, and powers of Zillah Courts.
III.	"	—						Institution and trial of civil suits.
IV.	"	—						——————— appeals.
V.	"	—						Jurisdiction, powers, and duties of the Sudder Dewanny Adawlut.
VI.	"		—					Powers and duties of magistrates.
VII.	"		—					Powers and duties of Courts for holding Sessions.
VIII.	"		—					Jurisdiction of Court of Nizamut Adawlut.
XI.	"	—	—					Appointment and removal of Mahomedan and Hindoo law officers.
XII.	"	—	—					——————— and duties of ministerial officers of Courts.
XIII	"	—	—					Preservation of judicial records.
XVII.	"	—						Registry of wills and deeds.
XIX.	"	—	—	—			—	Revenue and Judicial covenanted servants forbidden to lend money to natives.
XX.	"		—					Procedure in cases of crimes against the State.
XXI.	"	—						Reference of suits to arbitration.
XXII.	"	—	—					Procedure in cases of difference between judicial officers on the construction of Regulations.
XXIII.	"			—				Preservation of revenue records—Fees on divisions of estates.
XXIV.	"			—				Rules respecting pensions assessed on the land and payable from the Treasury.
XXV.	"			—				Powers and duties of Collectors—Board of Revenue—Transfer of estates.
XXVI.	"			—				Rules for sales of malguzary lands.
XXVII.	"			—				Recovery of arrears of revenue and instructions respecting a Triennial Settlement.
XXVIII.	"			—				Recovery of arrears of rent.
XXX.	"			—				Rules respecting ryotty pottahs.
XXXI	"			—				Validity of La-khiraj Titles, not Badshahee.
XXXIII.	"			—				Recovery of money and accounts from Revenue servants.
XXXIV.	"	—						Rate of interest on loans, mortgages, and conditional sales.
XXXV.	"		—					Establishment of police.—Responsibilities of landholders.
XXXVI.	"			—				Validity of La-khiraj Titles, Badshahee.
XLII.	"			—				Quinquennial and pergunnah registers.
XLIV.	"			—				Embankments, reservoirs, water-courses.
XLVI.	"	—	—					Appointment, removal, and duties of Head and Town Kazis.
XLVII.	"			—				Powers of landholders to grant leases.
L.	General.		—					Attendance of witnesses before Court of Sessions.
LII.	C P.			—				Powers and duties of the Court of Wards.
LIII.	General.		—					Mahomedan law—Dacoity or gang-robbery—Security for good behaviour—Transportation—Escape of convicts.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1804.								
I.	General.			—				Invalid jaghires and pensions.
III.	C. P.		—					Evasion or resistance of process—Bailable offences—Infanticide.
IV.	Cuttack.		—					Administration of justice in criminal cases—the laws in force in Bengal, Behar, and Orissa extended to Cuttack.
V.	General.	—	—	—		—	—	Appointment and removal of public servants—Oath of revenue officers.
VI.	C. C. P. and Ben.				—			Salt—Rescinds XXXIX. 1803.
IX.	Con. P.	—	—	—				Divisions, territorial and judicial—Magistrates, police, and administration of criminal justice.
X.	General.		—					Suppression of crimes against the State.
1805.								
II.	"	—		—				Limitation of time for suits, and for recovery of arrears of rent, fines, and penalties—Decrees in Government suits—Calculation of period for appeal.
III.	"		—					Punishment of gang-robbery—and theft.
V.	C. P.			—				Modifying the terms for the second settlement for Fussily, 1213 to 1215.
VIII.	Con. P.	—	—	—			—	Extension of Regulations of 1803 to the Conquered Provinces.
IX.	"			—				Proclamation of the terms of settlement after Fussily, 1212.
XII.	Cuttack.			—				Proclamation of settlement—Extension of Regulations.
XIII.	"		—					Administration of police—Amendment of IV. 1804.
XIV.	"	—						Administration of civil justice.
XVII.	B. B. O. and Cut.			—			—	Management of joint undivided estates.
XIX.	Bengal.	—		—			—	Address to the Nazim of Bengal.
1806.								
I.	Loc. Mis. and Gen.	—						Sudder Dewanny Adawlut authorized to dispense with vacations—Abolition of zillah of Beerbhoom.
II.	General.	—						Modification of rules of practice—Security—Process—Subsistence-money—Satisfaction of decrees by instalments.
VI.	"			—				Repairs of embankments.
VII.	Loc. Mis.	—	—					Establishment and jurisdiction of Court of Twenty-four Pergunnahs.
X.	General.	—	—					Security to be required on preferring charges of corruption against law officers and ministerial officers of Courts.
XI.	"		—	—				Assistance to troops and travellers passing through districts—Military guards and escorts.
XII.	Loc. Mis.	—		—				Annexation of pergunnahs resumed from Bhurtpore to zillah of Agra.
XIV.	"							Abolition of zillah of Saharunpore.
XV.	General.		—					Procedure on committal of European British subjects—Estates of deceased Europeans.
XVI.	Bengal.	—		—			—	Address of the Nawab Nazim.
XVII.	Ben.—Secs. 7 & 8 Gen.							Rules respecting interest and conditional sales.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1806.								
XVIII.	Bengal.					—		Collection of tolls on boats on the Hooghly.
XXI.	C.C.P. Ben.			—				Appointment and responsibilities of Tehsildars.
XXII.	General.			—				Payment of pensions charged on the land revenue.
1807.								
I.	"	—						Powers of single Judges of the Sudder Dewanny Adawlut.
II.	"		—					Punishment of perjury and forgery.
VII.	Benares.			—				Payment by zemindars of their revenues into the Moolky Treasury.
IX.	General.		—					Process in criminal cases—Powers and appointment of magistrates—Bail—Calendars and reports.
X.	C.C.P.			—				Appointment of a commissioner (superseded).
XI.	General.					—		Transportation of arms of European manufacture beyond the Company's territories forbidden without a Government pass.
XIII.	General except Ben.						—	Regulation of currency of certain coins.
XIV.	C.C.P. Ben.		—					Police—Amendments of the system.
1808.								
IV.	C.C.P. Ben.			—				Appointment and duties of Canongoes.
V.	C. P.			—				Explanation of certain rules respecting the settlement.
VI.	Cuttack.			—				Settlement for Umlee, 1216—1219.
VII.	C. C. P.			—				Registry of La-khiraj lands.
VIII.	General.		—	—				References of trials for Dacoity to the Nizamut Adawlut—Powers of single judges.
X.	Bengal.		—					Appointment and Powers of superintendent of police for Calcutta, Dacca, and Moorshedabad.
XI.	General.			—				Adjustment of rent payable by heirs of invalid jaghirdars.
XIII.	"	—						Security for staying execution of decrees pending appeal.
1809.								
II.	"						—	Power to convene courts-martial on foreign service.
III.	"		—				—	Police in military cantonments and bazars.
VIII.	"	—	—	—		—		Appointment and removal of native officers in civil departments.
1810.								
I.	"		—					Power to dispense with futwas in criminal cases.
IV.	Cuttack.							Abolition of the office of Commissioner of Cuttack.
VI.	General.		—					Responsibility of zemindars to give notice of crimes.
VIII.	"		—					Appointment of a Superintendent of Police for Patna, Benares, and Bareilly.
IX.	"					—		Collection of Government customs.
XIII.	"	—						Powers of the single judges of the Sudder Dewanny Adawlut.
XIV.	"		—					Remission and mitigation of punishment—Pardon.
XVI.	"		—					Appointment of magistrates, assistant magistrates, and joint magistrates—Remuneration of police for meritorious services.
XIX.	"			—				Endowments—Public buildings—Escheats.
XX.	"						—	Amenability of camp-followers to martial laws—Limits of cantonments—Police in military bazars.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1811.								
I.	B. B. O.		—					Punishment for house-breaking — Search for stolen property.
II.	General.			—				Support of invalid native military officers.
VI.	B. B. O.			—				Close of period for allowing compensation in lieu of Sayer resumed.
VII.	General.		—					Duties of police.
IX.	"			—				Division of lands—Rights of shareholders.
X.	"						—	Importation of slaves prohibited.
XI.	"			—				Extension of the period for correcting errors in apportioning the jumma on division of estates.
XII.	"	—	—					Constitution of the Sudder Dewanny and Nizamut Adawlut.
XIII.	B. B. O. & Cuttack.			—				Constitution and powers of the Sudder Board of Revenue.
XIV.	General—Loc. Mis.		—					Punishment by transportation—Office of magistrate of the Twenty-four Pergunnahs.
1812.								
I.	Bengal.					—		Modification of custom duties.
II.	General.						—	Coinage and Mints.
III.	"		—					Preliminary investigations by magistrates — Responsibilities of landholders as to crimes on their estates.
IV.	"	—						Conduct of suits of native princes before British Courts.
V.	"				—			Realization of revenue.
VII.	B. B. O. and Ben.			—				Abolition of the house-tax.
IX.	C. P.			—				Declaration that the settlements will not be made permanent.
X.	Con. P. and Cut.							Same.
XI.	General.		—				—	Removal of suspicious immigrants.
XIV.	C. C. P. and Cut.			—				Period for which leases may be granted by landholders.
XV.	C. C. P. & Benares.		—					Extension of rules respecting housebreaking.
XVI.	Loc. Mis.	—						Execution of decrees of Court of Requests in Calcutta by Court of Twenty-four Pergunnahs.
XVIII.	General.			—				Limitation of time for leases.
XIX.	"					—		Collection of customs.
XX.	"							Registry of deeds—Indigo contracts.
XXI.	B. B. O.		—					Police — Rescission of rules respecting licenses to certain trades.
XXII.	Bundlecund.			—				Exemption of certain jaghires in Bundlecund from tribute.
1813.								
I.	Cuttack.			—				Modification of rules respecting settlement.
II.	General.						—	Punishment of native officers for abuse of trusts by using public moneys.
VI.	"	—						Reference of suits to arbitration.
VII.	C. C. P.		—	—				Reference of revenue accounts by courts to collectors—Prosecution for perjury—Translation of Regulations.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1813.								
IX.	General.		—					Transportation restored.—Transfers of convicts.
X.	"				—			Consolidated Abkarry Regulation.
XI.	"			—				Modification of rules respecting payment of pensions.
XII.	"					—		Collection of customs.
XIV.	"					—		Rescinds rules about duties on horses.
XV.	"			—				Abolition of the office of Dewan to Collectors.
1814.								
II.	General.	—						Rules for the conduct of suits against public officers.
IV.	"				—			Duty on saltpetre.
VI.	"					—		Rates of ad valorem duties.
VIII.	"		—					Responsibilities of landholders to give notice of crimes.
XI.	"		—					Modification of the rules for the punishment of house-breaking.
XIII.	Dacca. Patna, and Moorshedabad.		—					Abolition of the office of Cutwal in Dacca, Patna, and Moorshedabad.
XV.	General.		—					Punishment by the Sessions Court for two offences conjointly.
XVII.	"					—		Recovery of arrears from Abkarry manufacturers, or venders.
XIX.	"			—				Rules for the division of estates.
XX.	Bengal.						—	College of Fort William abolished.
XXI.	General.	—	—	—				Judicial and revenue officers not to employ their native creditors in public duties.
XXIII.	"	—						Jurisdiction, powers, and duties of Moonsiffs and Sudder Ameens.
XXIV.	"	—						Rules of practice in Zillah Courts.
XXV.	"	—	—					Powers of single judges of Sudder Dewanny and Nizamut Adawlut.
XXVI.	"	—						Modification of rules of practice in Civil Courts.
XXVII.	"	—						Rules repecting the office and duties of pleaders.
XXVIII.	"	—						Consolidated rules respecting pauper suitors.
XXIX.	Beerbhoom.			—				Settlement of the lands of Ghautwals in Beerbhoom.
1815.								
I.	C. C. P.			—				Rules for dealing with Mocurreree and Istimraree tenures.
III.	Cuttack.			—				Settlement for Umlee, 1223.
IV.	General.					—		Collection of customs.
1816.								
II.	Part of Behar.			—				Re-establishment of the office of Canoongoe.
III.	Serampore.	—	—					Relinquishment of administration of justice in Serampore.
IV.	General.	—						Prisoners in civil suits may petition on unstamped paper.
V.	Cuttack.			—				Re-establishment of the office of Canoongoe.
VI.	"			—				Settlement for Umlee, 1224 to 1226.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1816.								
VII.	Amrut Rao's Jaghire in Bundlecund.			—				The estate exempted from the Regulations.
IX.	Sunderbuns.			—				Appointment and powers of Commissioner of Sunderbunds.
XI.	Tributary Estates in Cuttack.	—		—				Rules for the administration of certain estates by a superintendent.
XII.	Chittagong.					—		Establishment of a Custom-house at Cox's Bazaar.
XIII.	General.				—			Consolidated opium Regulation.
XIV.	"		—					Management of gaols, and control over the employment of prisoners.
XV.	"	—					—	Facilities to native officers and soldiers in the prosecution and defence of civil suits.
XVI.	C. P.			—				Settlement for Fussily, 1225 to 1229.
XVII.	General.		—					Regulation and control of police and gaol establishments—Powers of Superintendent of Police.
XVIII.	Allahabad.	—	—	—				Annexation of pergunnah Handya to zillah Allahabad.
XXII.	General.		—					Consolidated rules respecting Chokeydars of Police.
1817.								
II.	Behar.			—				Re-establishment of the office of Canoongoe.
IV.	Dehra Dhoon.	—	—	—				Annexation of Dehra Dhoon to Saharunpore.
V.	General.	—		—				Discovery of hidden treasure.
VI.	C. C. P.			—				Explanation of a rule in XXIV. 1803—Pensions.
VII.	General.		—					Payment of Chokeydars of Police.
IX.	Midnapore.		—					Repeals V. 1815—Pergunnah Bogree.
XII.	C.C.P.Behar,Ben.Cut.			—				Appointment and duties of Putwarries.
XIII.	Midnapore.			—				Establishment of the office of Canoongoe.
XVI.	General.					—		Duty on importation of opium.
XVII.	"		—					Administration of criminal justice—Mahomedan law.
XVIII.	"	—	—					Oaths of native judicial officers—Proceedings in case of corruption or embezzlement.
XIX.	"			—				Recovery of arrears of rent.
XX.	"		—					General consolidated native police Regulation.
XXI.	"					—		Rescinds a section of Regulation IX. 1810.
XXIV.	"			—				Powers of a single member of the Board of Revenue.
1818.								
I.	Bengal.			—				Establishment of the office of Canoongoe.
II.	Bundlecund.	—	—	—				Annexation of the elakeh of Khundeh to zillah of Bundelcund.
III.	General.		—					Authority to confine state prisoners without taking judicial proceedings.
IV.	Seharunpore	—	—					Re-establishing a Court, Civil and Criminal, in the north district of Seharunpore.
V.	Cuttack.	—		—				Establishing the office of Commissioner of Cuttack.
VI.	General.		—					Rules of practice in Courts of Magistrates and Sessions—Detention of prisoners—Bail—Recovery of penalties from securities.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1818.								
VII.	"					—		Foreign trade.
VIII.	"		—					Security for good behaviour.
IX.	Con. P.			—				Settlement—1228 to 1232, Fussily.
X.	Cuttack.			—				Realization of the revenue.
XI.	General.			—	—			Modification of the opium Regulations.
XII.	"		—					Powers of magistrates in cases of house-breaking, theft, and receiving stolen goods, and of prisoners escaping from confinement—Police.
XIII.	Cuttack.			—				Settlement of Cuttack, 1227 to 1229, Umlee.
XIV.	General.						—	Coinage.
1819.								
I.	Bengal.			—				Modification of Regulation XII. 1817.
II.	General.			—				Resumption of unauthorized La-Khiraj.
III.	"		—					Security to be taken from notorious robbers, not Dacoits.
V.	"						—	Coinage and mints.
VI.	"				—			Management of ferries.
VII.	"		—					Increased powers of magistrates in certain cases.
VIII.	Bengal and Midnapore.			—				Rules regarding putnee talooks and leases — Recovery of rent.
X.	B. B. O. Ben. Cut.				—			Consolidated salt Regulation.
1820.								
I.	Bengal and Midnapore.			—				Sales for realization of rent—Putnee talooks.
II.	Chandernagore.		—					Trial of offences committed in Chandernagore.
III.	General.		—	—				Prohibiting the pressing of Coolies and Begarees.
IV.	"		—					Magistrates to give effect to the sentences of Courts Martial—Jurisdiction and powers of magistrates.
V.	"					—		Frontier duties on tobacco.
VII.	"		—					Punishment of Dhurna.
1821.								
II.	"	—						Practice of Civil Courts.
III.	"		—					Powers of assistant magistrates—of native law officers and Sudder Ameens — Chokeydarry assessment —Immigration of suspicious foreigners.
IV.	"		—	—				Power to blend the offices of collector and magistrate.
V.	"						—	Value of certain rupees in revenue payments.
1822.								
I.	"		—					Powers of magistrates in cases of affrays.
II.	"					—		Collection of customs.
III.	"			—				Powers of the Board of Revenue.
IV.	"		—					Administration of Mahomedan law.
VI.	Benares and General.			—				Extension of Court of Wards' Regulation to Benares, and limit of discretionary power of interference in cases of minors.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1822.								
VII.	C. C. P. Cut. and General.			—				Settlement of the North-Western Provinces and Cuttack—Powers of Collectors—Making and revising settlements.
VIII.	General.		—					Power to remove criminal trials from one Court to another.
X.	Gurrow Hills.	—	—	—				Special rules for the administration in the Garrow Hills.
XI.	General.	—		—				Administration of estates purchased on account of Government—Government declared not liable for errors of Courts of Justice.
1823.								
II.	"		—					Punishment of affrays.
IV.	"		—					Judges not to try prisoners committed by themselves as magistrates—Employment of convicts in Allypore Gaol.
V.	"					—		Frontier duties.
VI.	Bengal.						—	Enforcement of indigo contracts.
VII.	General.	—	—	—			—	Covenanted civil servants forbidden to borrow from natives subject to their authority or influence.
1824.								
I.	"			—				Power of Government to obtain land for roads or other public purposes.
II.	C. P.						—	Abolition of the Mint at Furruckabad.
III.	General.	—						Powers of Principal Sudder Ameens and Sudder Ameens appointed to out stations.
IV.	"	—						Registry of deeds—Rules modified.
V.	Orissa, Behar, Benares, & C. C. P.						—	Extension of the indigo contract Regulation (VI. 1823).
VI.	General.		—					Procedure of magistrates in cases of persons charged with two or more offences.
VII.	"				—			Amended rules for the Abkarry and Opium Departments.
VIII.	Bengal.				—			Tolls on the Hooghly.
IX.	General.			—				Modification and amendment of Regulations VII. 1822.
X.	"		—					Magistrates empowered to tender pardons.
XI.	"		—					——————— *to depute assistants to make* local investigations.
XIII.	"	—						Enlarged powers of Sudder Ameens.
XIV.	"			—				Jurisdiction of Collectors in summary suits for arrears of rent.
1825.								
I.	"	—	—					Execution of process, civil and criminal.
II.	"	—						Rules respecting review of judgment and pauper special appeals.
IV.	"		—					Rules respecting security for keeping the peace.
V.	"	—		—				Provision for the union of the offices of Judge and Collector.
VI.	"		—	—				Rules for the supply of troops on march, in modification of Regulation XI. 1806.
VII.	"	—		—				Sales of land in satisfaction of decrees—Attachment of lands.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1825.								
VIII.	General.	—	—					Public servants not to be employed in private business, nor private in public duties.
IX.	"			—				Extension of provisions of VII. 1822—New provisions in several subjects of revenue administration.
XI.	"			—				Rules respecting gains and losses of land by alluvion or dereliction.
XII.	"		—					Corporal punishment—Power of single Judges of the Nizamut Adawlut.
XIII.	"			—				Rules respecting Canoongoe and other La-Khiraj lands —Settlement of resumed lands.
XIV.	"			—				Validity of La-Khiraj grants.
XV.	"					—		Duties and drawbacks.
XVI.	"		—					Punishment of dacoity by Sessions Court.
XVIII.	Chinsurah.	—	—					Annexation of Chinsurah to zillah Hooghly.
XIX.	Bengal.	—						Rules for the exercise of certain judicial rights by the Nazim.
XX.	General.						—	Constitution and jurisdiction of the Military Courts of Requests.
XXI.	Dehra Doon.	—	—	—				Administration of the Dehra Doon.
1826.								
II.	C. P.			—				Settlement, 1235 to 1239.
III.	General.	—						Control of civil gaols.
V.	Agra.	—	—	—				Annexation of pergunnah Goberdhun to Agra.
VI.	Futtehpore.	—	—					The zillah of Futtehpore constituted.
VIII.	General.				—			Amended rules respecting opium.
IX.	"					—		Local jurisdiction of the custom authorities.
X.	B. B. O. and Part General.				—			Manufacture of noonchye prohibited—Retail sale of salt allowed.
XI.	"	—	—					Appointment of Hindoo and Mahomedan law officers.
XII.	Calcutta.	—					—	Stamp duties in Calcutta.
1827.								
I.	Bhaglepore.		—					Administration of criminal justice in Bhaglepore.
III.	General.	—	—					Procedure against law and ministerial officers of Courts for corruption.
V.	"	—		—				Management of estates under attachment by Zillah Courts.
1828.								
I.	"		—					Transportation—Convicts in Allypore gaol.
II.	Sylhet.					—	—	Free trade in Sylhet.
III.	General.			—				Appointment of Special Commissioner for La-Khiraj resumptions.
IV.	"			—				Powers of Collectors under VII. 1822, enlarged and defined.
VI.	"		—					Punishment of affrays—Modification of Regulation II. 1823.
VII.	Benares.			—				Administration of the Rajah's Jaghire Mehals.
VIII.	General.		—					Powers of magistrates in punishing affrays — Amendment of I. 1822.
1829.								
I.	"		—	—				Appointment and powers of Commissioners of Revenue and Circuit.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1829.								
III.	General.	—	—					Denomination of Judges of the Sudder Court—Employment of copyists—Oaths—Abolition of law officers of Provincial Courts.
IV.	"			—				Modification of rules respecting Commissioners under III. 1828.
V.	Dehra Doon.	—	—	—				Administration of the district.
VI.	General.		—					Powers of magistrates in cases of theft.
VII.	"							Modification of rules respecting returns, reports, calendars, &c.
X.	"	—						Consolidated stamp Regulation.
XI.	"			—				Repair of embankments.
XII.	"		—					Punishment for wounding with intent to murder—Revision by Superior Courts.
XIII.	"	—						Suits against public officers—Government vakeels.
XIV.	"	—						Security in civil suits to be given by Residents in foreign territories.
XVII.	"		—					Abolition of Suttee.
1830.								
I.	Midnapore.	—						Administration of Midnapore.
II.	General.					—		Trade with foreign countries.
III.	"					—		Export duties.
IV.	"		—					Temporary employment of Mahomedan law officers.
V.	"						—	Indigo crops and contracts.
VI.	"	—						Allowance to prisoners in civil gaols.
VII.	B. B. O. & Benares.			—				Rescission of rule for levying of interest on arrears of revenue.
VIII.	General.		—					Examinations before magistrates.
1831.								
I.	"		—					Punishment of dacoity.
II.	"		—					Trial of cases removed from one jurisdiction to another.
V.	"	—						Modifications of authority in the jurisdiction of Courts and officers in civil cases.
VI.	"	—	—					Establishment of a Sudder Court for the North-Western Provinces.
VII.	"		—					Zillah Judges empowered to hold sessions.
VIII.	"			—				Cognizance of summary suits for arrears of rent transferred to Collectors.
IX.	"	—	—					Powers of single judges of the Sudder Dewanny and Nizamut Adawlut.
X.	"			—				Establishment of a Sudder Board of Revenue for North-Western Provinces.
XI.	C. & C. P.		—					Employment of Tehsildars as Darogahs of Police. Appointment and removal of police officers.
1832.								
II.	General.		—					Power of search—Powers of law officers and Aumeens to punish Chokeydars.
III.	"						—	Emancipation of slaves.
IV.	"				—			Transport of salt.
V.	Delhi Terr.	—	—	—				Administration of the Delhi provinces.
VI.	General.	—	—					Native agency in civil and criminal Courts as jury, assessors, or punchayet. Administration of Mahomedan law.

REG.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE REGULATION.
		Civil.	Criminal.	Land	Abkarry, &c.	Customs.		
1832.								
VII.	General.	—						Administration of justice in the Zillah Courts by the uncovenanted judges.
VIII.	Calcutta.	—	—					Abolition of Zillah "Suburbs of Calcutta." Establishment of Zillah Twenty-four Pergunnahs.
1833.								
I.	General.				—	—		Extended powers of the Sudder Board of Revenue for North-Western Provinces.
II.	"	—						Abolition of the Provincial Courts of Appeal.
IV.	"		—					Superintendence and employment of convicts on public works.
V.	Dacca.	—	—					Union of Zillahs Dacca and Dacca Jelalpoor into one district.
VI.	General.					—		Duties on imports by sea.
VII.	"						—	Coinage.
VIII.	"	—						Appointment of occasional Assistant Judges.
IX.	"			—				Enlargement of certain provisions of VII. 1822. Appointment of uncovenanted Deputy Collectors.
XIII.	Ramghur Jungle Mehauls, Midnapore.	—	—	—				Special rules for the administration of those districts.
1834.								
II.	General.	—						Abolition of corporal punishment and labour. Prison discipline.

END OF THE REGULATIONS.

LIST

OF

THE ACTS IN FORCE UNDER THE BENGAL PRESIDENCY.

ACT.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE ACT.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1834.								
I.	General.						—	Certain Acts of the Governor-General in Council declared valid.
II.	"						—	Authority of Secretaries to Government.
1835.								
II.	Assam, Arracan, & Tenasserim.	—	—	—				Administration of those territories.
III.	C. & C. P.			—				Dissolution of the Special Commission to rectify errors in the assignment of proprietary possession.
VI.	Cossya Hills and Cachar.	—	—	—				Administration of those districts.
VII.	General.		—					Extended employment of zillah judges as session judges.
VIII.	"			—				Sales of land for arrears of revenue or rent to be effected by collectors, not by judges.
IX.	B. B. O. Ben. & Cut.				—			Administration of salt chokies—Appointment of uncovenanted superintendents.
X.	General.						—	Notification in the Government Gazette, declared to be proof of the "Acts."
XI.	"						—	Regulation of printing presses.
XVI.	"						—	Enforcement of indigo contracts.
XVII.	"						—	Coinage.
XVIII.	"		—				—	Restrictions on wearing badges, uniforms, &c.
XXI.	"						—	Coinage.
1836.								
V.	"	—						Zillah Judges may employ Principal Sudder Ameens to execute decrees.
VIII.	"	—						Appointments of Principal Sudder Ameen, Sudder Ameen, and Moonsiff declared open to all persons —their responsibilities.
IX.	"						—	Commanding officers at military stations empowered to administer oaths.

ACT.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE ACT.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1836.								
X.	General.						—	Enforcement of indigo contracts.
XI.	"	—						No person exempt by reason of birth, &c. from jurisdiction of Civil Courts.
XII.	C. P.	—						Execution of decrees of the Nawab of Furruckabad.
XIII.	"						—	Coinage.
XIV.	"					—		Consolidated customs regulation—Abolition of inland and town duties.
XVII.	Beg. Sumro's Jaghire.	—	—	—				Provision for the administration of the resumed jaghire.
XX.	General.			—				Rules respecting divisions of estates.
XXI.	"	—	—					Governor-General in Council may create new and alter limits of existing zillahs.
XXII.	Bengal.				—			Collection of tolls on the Hooghly.
XXV.	General.					—		Rules for warehousing ports.
XXVI.			—					Appointment of a superintendent of police in the camp of the Governor-General.
XXX.	"		—					Punishment for belonging to a gang of Thugs.
XXXII.						—		Importation of sugar.
1837.								
III.	"	—						Transfer of suits and appeals from one zillah to another.
IV.	"			—				British subjects empowered to hold land.
VI.	Cuttack.			—				Responsibilities of Malguzars for their jumma.
XV.	General.		—					Levy and appropriation of police tax.
XVI.	"					—		Levy of ad-valorem duties.
XVII.	"						—	Post-Office regulations.
XVIII.	"		—					Committal and trial for thuggee.
XIX.	"	—	—					Convicted persons admissible to give evidence.
XXI.	"						—	Declarations substituted for oaths not judicial.
XXIV.	"		—					Re-appointment of superintendent of police—Powers of session judges—Revision of proceedings.
XXV.	"	—						Jurisdiction and powers of the several Civil Courts.
XXVIII.	"	—					—	Uncovenanted officers may be appointed in the Stamp Department.
XXIX.	"	—	—	—				Language of proceedings, judicial and revenue.
XXXI.	"						—	Coinage.
XXXVIII.	"			—				Who may be appointed local agents under XIX. 1810.
1838.								
VII.	"	—						Powers of zillah judges in the hearing of appeals.
X.	Kumaon.	—	—	—				Administration of the province.
XI.	General.			—				Remuneration of Ameens effecting partitions of estates.
XX.	"						—	Amended Post-Office Regulations.
XXI.	"						—	Coinage.
XXII.	"	—						Summary appeals from moonsiffs to zillah judges.
XXVII.	"	—						Jurisdiction and powers of Principal Sudder Ameens.
XXIX.	B. B. O. Ben. & Cut.				—			Prevention of illegal traffic in salt.
XXX.	General.	—						Establishment of additional offices for registry of deeds.
XXXII.	"		—					Powers of justices of the peace.

ACT.	For what Provinces enacted.	JUDICIAL. Civil.	JUDICIAL. Criminal.	REVENUE. Land.	REVENUE. Abkarry, &c.	REVENUE. Customs.	Miscellaneous.	SUBJECT OF THE ACT.
1839.								
I.	"			—				Commissioners for sale of property distrained for rent.
II.	"		—					Levy of fines by magistrates under the Acts.
III.	"	—		—				No one exempt from jurisdiction of Revenue Courts, or Moonsiffs, in matter of rent.
IX.	"	—						Practice in pauper suits.
XI.	"	—						No stamps required for proceedings in appeals to her Majesty in Council.
XIV.	"						—	Emigration.
XVII.	"						—	Rates of postage.
XVIII.	"		—					Thuggee, where may be tried.
XXIII.	"						—	Punishment of soldiers dismissed by Courts Martial.
XXVI.	"	—	—	—				Rescission of previous rules respecting charges against public officers.
XXVII.		—						Execution of the decrees of the Court of the Twenty-four Pergunnahs, by the Court of Requests of Calcutta.
XXXII.	"	—						Extension of certain English laws of interest to India.
1840.								
II.	"		—					Sentences of imprisonment passed by Courts Martial to be executed by officers in charge of gaols.
IV.	"		—	—				Powers of magistrates in disputes respecting land likely to lead to affrays.
V.	"	—	—	—				Declaration substituted for oaths of Hindoos and Mahomedans.
VII.	"	—	—					Power to appoint uncovenanted Deputy Registers to the Sudder Courts.
X.	"				—			Abolition of pilgrim tax at Juggernath, Gaya, &c.
XVI.	"		—					Treatment of convicts at the places of punishment.
XIX.	"	—						Procedure in pauper appeals.
XXI.	"		—	—				Act IV. 1840, declared not retrospective.
XXII.	"		—					Punishment of vagrants.
XXIII.	"	—	—	—				Execution of process of Mofussil authorities within the limits of the Supreme Court.
XXV.	"				—			Administration of the Abkary Department.
1841.								
I.	"			—				Realization of revenue—Putteedarry estates.
V.	"		—					Trial of offences against the State.
VI.	"					—		Importation of rum and rum shrub.
VII.	"	—						Rules for taking examination of absent witnesses.
IX.	"				—			Abkary—Amendment of Act XXV. 1840.
X.	"						—	Registry of ships.
XI.	"	—					—	Constitution and powers of Military Courts of Requests.
XII.	"			—				Repeal of sundry laws respecting arrears of revenue.
XIII.	"					—		Import duties on wines and spirits.
XV.	"	—						Residents in Calcutta exempted from giving security in Mofussil Courts.
XVI.	"		—					Qualification of Justices of the Peace.
XVII.	"	—	—					Duties of registrars of the Sudder Courts.
XVIII.	"					—		Exportation of military stores.

ACT.	For what Provinces enacted.	JUDICIAL. Civil.	JUDICIAL. Criminal.	REVENUE. Land.	REVENUE. Abkarry, &c.	REVENUE. Customs.	Miscellaneous.	SUBJECT OF THE ACT.
1841.								
XIX.	General.	—						Protection of the property of intestates.
XX.	"	—						Collection of debts of deceased Hindoos and Mahomedans.
XXI.	"		—					Prevention of local nuisances.
XXVIII.	"						—	Punishment of camp followers.
XXIX.	"	—						Dismissal of suits and appeals for non-prosecution.
XXX.	"	—	—	—				Repression of obstructions to justice—Contempts.
XXXI.	"		—					Appeals and revisions of proceedings in Criminal Courts.
1842.								
VII.	"	—	—					Rules respecting translations.
VIII.	"	—	—					Designation of "Sudder Courts" applied to the Sudder Dewanny and Nizamut Adawlut.
XI.	"					—		Importation of foreign sugar.
XII.	"						—	Regulation of military bazars—Liabilities of camp followers.
XV.	"						—	Emigration—Order of her Majesty in Council, 15th January, 1842.
XVI.	N. W. Prov.			—				Term for which proprietors may grant leases.
1843.								
I.	General.	—						Effect of registration on titles of land.
II.	"	—						Decisions in appeals, how to be given by one or more judges.
III.	"	—						Rules for special appeals.
IV.	"		—					Appeals from justices of the peace.
V.	"						—	Amendments in the law of slavery.
VI.	"	—						Procedure in the Courts of Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.
XII.	"	—						Language in which decrees are to be written.
XIV.	N. W. Prov				—			Manufacture of salt, and custom duties thereon.
XV.	General.		—					Appointment of uncovenanted Deputy Magistrates.
XVI.	"		—					Offers of rewards for apprehension of offenders.
XVIII.	"		—					Procedure against persons charged with thuggee and dacoity committed in states in alliance.
XIX.	"	—						Effect of registration—Amendment of I. 1843.
XXI.	"						—	Emigration.
XXII.	Loc. Mis.	—						Repeal of Section XVII. Regulation III. 1793.
XXIII.	General.	—						Jurisdiction of Zillah Courts.
XXIV.	"		—					Punishment of dacoity.
XXV.	"					—		False marks on foreign goods subject them to confiscation.
1844.								
II.	"	—						Preparation of proceedings for transmission to Privy Council.
III.	"		—					Modification of rules respecting corporal punishment.
IV.	"		—					Repeal of certain rules respecting dacoity.
V.	"						—	Suppression of lotteries.
IX.	"	—						Institution of suits before Principal Sudder Ameens and Sudder Ameens.
XIII.	"						—	Coinage.
XIV.	"		—					Punishment by transportation.
XVIII.	"		—					Superintendence of gaols vested in magistrates.

ACT.	For what Provinces enacted.	JUDICIAL. Civil.	JUDICIAL. Criminal.	REVENUE. Land.	REVENUE. Abkarry, &c.	REVENUE. Customs.	Miscellaneous.	SUBJECT OF THE ACT.
1844.								
XXI.	General.						—	Emigration.
XXII.	"						—	Coinage.
1845.								
I.	"			—				Realization of arrears of revenue.
III.	"	—						Requisition of security for costs in appeals declared to be discretionary.
IV.	"	—						Amended rules respecting registry of deeds.
V.	"	—	—					Appointment of law officers.
VI.	"		—					Issue of commissions of the peace.
VII.	N. W. Prov.				—			Tolls on canals, &c.
IX.	General.					—		Amended rules for levy of import duties.
X.	"		—					Issue of warrants when summons could not be served.
XIV.	"	—						Appointment of nazirs to Moonsiffs' Courts.
XV.	"	—		—				Privileges of soldiers in judicial and revenue proceedings.
XVI.	"	—						Dismissal of appeals for non-prosecution.
XVII.	"	—						Attendance of witnesses in Moonsiffs' Courts.
XVIII.	"		—					Punishment of offences committed by convicts.
XX.	"						—	Preamble to Articles of War.
XXI.	Cuttack.		—					Suppression of Meriah sacrifices.
XXVII.	General.		—					Powers of assistant magistrates.
1846.								
I.	"	—						Amended rules for pleaders.
IV.	"	—		—				Sales of land in execution of decrees.
VI.	Bhuttee Ter.	—	—	—				Administration of the Bhuttee territory.
VII.	General.		—					Diet money of witnesses in petty cases.
VIII.	N. W. Prov.							Settlement of the North-Western Provinces—Duration of.
X.	General.			—				Procedure in certain cases of arrear of rent.
1847.								
I.	N. W. Prov.			—				Establishment and maintenance of boundary marks.
II.	General.	—	—					Operation of the oath Act V. — 1840.
V.	"		—					Execution of sentences of certain courts established in territories not subject to general Regulations.
IX.	B. B. O.			—				Assessment of lands gained by alluvion or dereliction.
X	General.		—					Punishment of thuggee—Amendment of XXX. 1836.
XII.	"	—						Moonsiffs and Sudder Ameens declared not liable to fines.
XIII.	"						—	Emigration.
XIV.	"	—						Rescission of the rule for the transcription of plaints.
XVII.	"	—						Remedy in cases of default in prosecution of suits and appeals.
XVIII.	"	—						Remedy of certain informalities in registry of deeds.
XIX.	"						—	Articles of War.
XX.	"						—	Regulation of copyright.
1848.								
I.	"		—					Amended procedure in cases of forgery.
III.	"		—					Definition of "thug" and "thuggee."
V.	"		—					Rules respecting penal recognizances.
VI.	"					—		Equalization of duties on British and foreign bottoms.
VII.	"					—		Drawbacks on exportation.

ACT.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE ACT.
		Civil.	Criminal.	Land	Abkarry, &c.	Customs.		
1848.								
VIII.	General.			—				Realization of revenue and rent.
XI.	,,		—					Punishment of wandering gangs of thieves and robbers
XIII.	,,			—				Limitation of time for contesting collectors' awards, under VII. 1822, &c.
XVI.	,,				—			Modification of certain rules respecting salt.
XIX.	,,		—					Revision of sentences and proceedings of Criminal Courts.
XX.	Gen. except N. W. P.			—				Attendance of landholders before collectors.
XXIII.	General.				—			Correction of a clerical error in XXV. 1840.
1849.								
I.	,,		—					Punishment of offences committed in foreign states.
II.	,,		—					Abolition of the punishments of branding and exposure.
IV.	,,		—					Custody of criminal lunatics.
V.	,,					—		Duties of customs and excise.
VI.	,,						—	Military and naval pensions and superannuations.
XI.	Calcutta.				—			Abkary revenues in Calcutta.
XIII.	,,				—			Prevention of smuggling salt into Calcutta.
XIV.	General.						—	Punishment for tampering with the army or navy.
1850.								
I.	Calcutta.			—				Title to lands taken for public purposes.
IV.	General.	—						Amended procedure in appeals to the Sudder Court.
V.	,,					—		Rules for the coasting trade of India.
VI.	,,						—	Commander-in-Chief empowered to pardon military offences.
VII.	,,		—					Removal of prisoners from one gaol to another.
VIII.	,,	—						Powers of zillah judges and principal sudder ameens, in confirming appeals.
IX	,,	—						Establishment and powers of Small Debt Court.
X.	,,					—		Aden declared a free port.
XI.	,,						—	Registry of ships—Amendment of X. 1841.
XII.	,,	—		—				Responsibility of public accountants.
XIII.	,,	—		—				Punishment of breaches of trust by public officers.
XV.	,,	—						Practice in Moonsiffs' Courts.
XVI.	,,		—					Restitution of the value of stolen property.
XVIII.	,,	—	—	—				Protection of officers acting judicially.
XIX.	,,						—	Rules for binding apprentices.
XX.	Loc. Mis. and Cut.			—				Trial of boundary questions.
XXI.	General.	—						Rights of inheritance not affected by religion of the parties.
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XXV.	General.			—				Sales of land.
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XXVII.	,,						—	Registry of merchant seamen.
XXVIII.	,,						—	Encouragement of merchant seamen.
XXX.	,,	—						Practice in Civil Courts—Amendments of Acts I. 1846, and IV. 1850.
XXXII.	Subathoo.	—						Administration of civil justice in the province.
XXXIII.	Bengal and Midnapore.			—				Sales of putnee tenures under VIII. 1819.
XXXIV.	General.		—					Custody of state Prisoners.

ACT.	For what Provinces enacted.	JUDICIAL.		REVENUE.			Miscellaneous.	SUBJECT OF THE ACT.
		Civil.	Criminal.	Land.	Abkarry, &c.	Customs.		
1850.								
XXXVI.	General.						—	Amendment of an Article of War.
XXXVII.	"	—	—	—				Inquiries into the conduct of public servants.
XXXVIII.	"		—					Counsel and pleaders allowed for defence in criminal cases.
XLII.	"			—				Facilities for public works.
XLIV.	Lower Prov.			—	—	—		Consolidation of the Board of Revenue and Board of Customs, Salt, and Opium.
XLV.	General.		—					Jurisdiction of Coroners.
1851.								
II.	"	—						Powers of judges of the Sudder Dewanny Adawlut.
III.	B. B. O.				—			Administration of the salt laws.
VIII.	General.				—			Levy of tolls on public roads and bridges.
X.	"	—						Administration of estates of deceased persons.
XI.	"	—						Custody of registers of deeds, &c.
XVI.	"		—					Trial of receivers of stolen property.
1852.								
IV.	"						—	Emigration.
VIII.	"	—						Execution of Mofussil process within the jurisdiction of the Supreme Court.
IX.	Bajee Row's Jaghire in Cawnpore.	—	—	—				Administration of the district.
XVIII.	Lower Prov.	—						Modification of the rules respecting pleaders.
XXII.	General.			—				Summary suits for arrears of rent.
XXIV.	"		—				—	Prevention of crimping—Emigration.
XXV.	"	—						Execution of decrees in appeals to her Majesty in Council and other jurisdictions.
XXVI.	"	—						Amended procedure in the Courts of Sudder Ameens and Moonsiffs.
XXX.	"						—	Naturalization of aliens.
XXXI.	"		—					Rescission of a rule respecting remuneration of darogahs.
XXXII.	"	—	—	—				Prosecution of public servants for corruption.
XXXIII.	"	—						Execution of decrees.
XXXV.	Arracan.				—			Poll-tax and house-tax.
1853.								
II.	General.			—				Responsibilities of British subjects holding lands
VI.	"			—				Sale of lands for recovery of arrears of rent.
VII.	"		—					Powers of magistrates in respect of certain offences not felonies.
IX.	"			—				Limitation of Act VI. 1853.
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NOTE.—Under the second column of the head "Revenue" in these lists, are included all miscellaneous items of receipt not being land revenue.

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— XIX.	Translations, how to be prepared.
1798. I.	Rates of interest to be allowed on conditional sales.
— II.	Expositions of Hindoo and Mahomedan law, how to be obtained.
1799. IX.	Procedure on resistance of process.
1805. II.	Limitation of time for various suits, fines and penalties.
1806. I.	Adjournments to be regulated by the Sudder Court.
— II.	Modification of rules of practice—Subsistence money—Security—Process—Satisfaction of arrears by instalments—Insolvent debtors.
1806. XVII.	Rules respecting interest and conditional sales—Sects. vii. viii.
1812. IV.	Conduct of suits by native princes before British courts.
1813. VI.	Reference of suits to arbitration.
1814. XXIV.	Constitution and jurisdiction of Civil Courts.
— XXVI.	Modification of rules of practice in Civil Courts.
— XXVIII.	Consolidated rules respecting pauper suitors.
1816. XV.	Facilities to native officers and soldiers in the prosecution and defence of civil suits.
1821. II.	Practice of Civil Courts.
1825. II.	Rules respecting review of judgment.
— V.	Provision for the union of the offices of judge and collector.
1829. XIV.	Security to be given by suitors resident in foreign territories.
1831. V.	Modification of authority and jurisdiction of Courts of zillah and uncovenanted judges.
1832. VII.	Administration of justice by the Zillah Courts and uncovenanted judges.
1836. XI.	No person exempt by reason of birth or descent from jurisdiction of Civil Courts.
1837. XXV.	Jurisdiction and powers of the several Civil Courts.
1839. IX.	Practice in pauper suits.
— XXXII.	Allowance of interest on sums recovered.
1841. VII.	Rules for taking examinations of absent witnesses.
— XV.	Residents in Calcutta exempted from giving security in Mofussil Courts.
— XXIX.	Dismissal of suits and appeals for non-prosecution.
— XXX.	Repression of obstructions to justice—Contempts.
1843. XII.	Language in which decrees are to be written.
1847. XVII.	Remedy in cases of default in prosecution of suits.
1848. I.	Amended procedure in cases of forgery.
1850. XXI.	Rights of inheritance not affected by religion of the parties.
1852. VIII.	Execution of mofussil process within the jurisdiction of the Supreme Court.
— XXXIII.	Execution of decrees.

2. Sudder Dewanny Adawlut.

1793. VI.	Jurisdiction, powers, and duties of the Sudder Dewanny Adawlut.
1801. II.	Modification of the constitution and powers of the Sudder Dewanny Adawlut.
1806. I.	Adjournments of the courts to be regulated by Sudder Court.
— II.	Modification of rules of practice.
1807. I.	Powers of single judges of the Sudder Dewanny Adawlut.
1810. XIII.	
1825. XIV.	
1831. IX.	
1832. VII. xv.	
1837. III.	Authority to transfer suits and appeals from one zillah to another.
1841. XVII.	Duties of registrars of the Sudder Court.
1843. II.	Decisions in appeals, how to be given by one or more judges.
1850. IV.	Amended procedure in appeals.

1850. XXX.	Amendments in practice.
1851. II.	Powers of single judges of the Sudder Dewanny Adawlut.

3. Zillah Courts.

1793. III.	Constitution and jurisdiction of Zillah Courts.
— IV.	Rules for receiving, trying, and deciding civil suits.
1794. VIII.	Reference of accounts to collector for report.
1799. V.	Procedure on death of Mahomedans and Hindoos possessed of property.
1802. III.	Security in suits and appeals.
1806. II.	Modification of rules of practice—Security.
1814. XXIV.	Rules of practice in Zillah Courts.
— XXVI.	Modifications of practice in Zillah Courts.
1827. V.	Management of estates under attachment by Zillah Courts.
1833. VIII.	Appointment of occasional assistant judges.
1836. XXI.	Governor-General in Council may create new and alter limits of existing zillahs.
1843. XXIII.	Jurisdiction of Zillah Courts.
1847. XIV.	Rescission of the rule for the transcription of plaints.

4. Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.

1814. XXIII.	Jurisdiction, powers, and duties of Sudder Ameens and Moonsiffs.
1824. III.	Powers of Principal Sudder Ameens and Sudder Ameens appointed to out-stations.
— XIII.	Enlarged powers of Sudder Ameens.
1831. V. xvii. to xxxvi.	Appointment and jurisdiction of Principal Sudder Ameens.
1836. V.	Zillah judges may employ Principal Sudder Ameens to execute decrees.
— VIII.	Appointments of Principal Sudder Ameens, Sudder Ameens and Moonsiffs declared open to all persons—Their responsibilities.
1838. XXVII.	Jurisdiction and powers of Principal Sudder Ameen.
1839. III.	No one exempt from the jurisdiction of Revenue Courts or Moonsiffs in matters of rent.
1843. VI.	Procedure in the Courts of Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.
1844. IX.	Institution of suits before Principal Sudder Ameens and Sudder Ameens.
1845. XIV.	Appointment of nazirs to Moonsiffs' Courts.
— XVII.	Attendance of witnesses in Moonsiffs' Courts.
1847. XII.	Moonsiffs and Sudder Aumeens declared not liable to fines.
1850. XV.	Practice in Moonsiffs' Courts.
1852. XXVI.	Amended procedure in the Courts of Sudder Ameens and Moonsiffs.

5. Appeals and Authority of Courts of Appeal.

1793. V.	Rules for receiving appeals and the relation of the Court of Appeal to the Court of original jurisdiction.
1796. XIII.	Court of Appeal to adjudge interest in decrees: and to punish litigious appeals.
1797. XVI.	Appeals to her Majesty in Council—Order of her Majesty in Council, 10th April, '1838.
1798. V. 1802. III.	Security in appeals.
1808. XIII.	Security for staying execution of decrees pending appeal.
1814. XXVI.	Modification of rules of practice in appeals.
— XXVIII.	Consolidated rules respecting pauper appeals.
1825. II.	Rules respecting pauper special appeals.
1833. II.	Abolition of the Provincial Courts of Appeal.
1838. VII.	Powers of zillah judges in the hearing of appeals.
— XXII.	Summary appeals from Moonsiffs to zillah judges.
1839. XI.	No stamps required in proceedings for appeals to England.
1840. XIX.	Procedure in pauper appeals.
1843. II.	Decisions in appeals how to be given by one or more judges.
— III.	Rules for special appeals.
1844. II.	Expenses of proceedings to Privy Council: her Majesty's Order in Council, 13th June, 1853.
1845. III.	Requisition of security for costs in appeals declared to be discretionary.
— XVI.	Dismissal of appeals for non-prosecution.
1847. XVII.	Remedy in cases of default in prosecution of appeals.
1850. IV.	Amended procedure in appeals to the Sudder Court.
— VIII.	Powers of zillah judges and Principal Sudder Ameens in confirming appeals.
— XXX.	Amended procedure in appeals to the Sudder Court.
1852. XXV.	Execution of decrees in appeals.

6. Vakeels.

1814. XXVII.	Rules respecting the office and duties of pleaders.
1829. XIII.	Suits against vakeels.
1846. I.	Amended rules for pleaders.
1850. XXX.	Construction of Act I. 1846.
— XXXVIII.	Pleaders allowed for defence in criminal cases.
1852. XVIII.	Rules respecting pleaders in the Courts of the Lower Provinces.

7. Registry of Wills and Deeds.

1793. XXXVI.	Original rules for registry of wills and deeds.
1812. XX.	Modified rules—Registry of indigo contracts.
1824. IV.	Provision for the office of registrar.
1838. XXX.	Establishment of additional offices for registry of deeds.
1843. I.	Effect of registration on titles of land.
— XIX.	Amendment of I. 1843.
1845. IV.	Rules respecting place of registry.
1847. XVIII.	Remedy of certain informalities in the registry of deeds.
1851. XI.	Custody of registers of deeds, &c.

8. Stamps.

1816. IV.	Prisoners in civil suits may petition on unstamped paper.
1826. XII.	Stamp duties in Calcutta.
1829, X.	Consolidated stamp regulation.
1837. XXVIII.	Uncovenanted officers may be appointed in the stamp department.
1839. XI.	No stamps required in appeals to England.

9. Care of Estates of deceased Persons.

1799. V.	Procedure on the death of Mahomedans and Hindoos possessed of property.
1800. I.	Appointment of guardians to minors and proprietors not subject to the Court of Wards.
1806. XV.	Estates of deceased Europeans.
1841. XIX.	Protection of the property of intestates.
— XX.	Collection of debts of deceased Hindoos and Mahomedans.
1851. X.	Administration to personal estates of deceased persons.

10. Treasure found.

1817. V.	Procedure on discovery of hidden treasure.

III.

CRIMINAL JUDICATURE—JURISDICTION, POWERS, DUTIES, AND PRACTICE OF THE COURTS IN THE ADMINISTRATION OF CRIMINAL JUSTICE.

1. Criminal Courts generally.

1796. XI.	Procedure in cases of resistance or evasion of process.
1843. XVI.	Offers of rewards for apprehension of offenders.
1847. V.	Execution of sentences of certain courts established in territories not subject to general Regulations.
1848. V.	Rules respecting penal recognizances.
— XIX.	Revision of sentences and proceedings of Criminal Courts.
1850. XVI.	Restitution of the value of stolen property.
— XXXVIII.	Counsel and pleaders allowed for defence in criminal cases.

2. Nizamut Adawlut.

1793. IX.	Powers and duties of the Courts of Nizamut Adawlut. (Sect. LXVI. to end.)
1795. XXXVI.	Rules to provide against the loss of criminal proceedings en route to the Nizamut Adawlut.
1797. IV.	Examination of witnesses in criminal cases—Transmission of trials.
1799. X.	Reference of trials to the Nizamut Adawlut.
1801. II.	Constitution and powers of the court.
— VIII.	Reference of trials to the Nizamut Adawlut.
1808. VIII.	Reference of trials for dacoity to the Nizamut Adawlut.
1825. XII.	Powers of single judges of the court.
1841. XXXI.	Appeals and revision of proceedings of subordinate Criminal Courts.

3. Courts empowered to hold Sessions.

1793. IX.	Powers and duties of Court of Circuit (now of Sessions), Sections xxxi. to lxv.
1829. I.	Appointment and powers of Commissioner of Circuit.
1831. VII.	Zillah judges empowered to hold Sessions.
1833. II.	Abolition of the Courts of Circuit.
1835. VII.	Extended provisions respecting sessions judges.
1837. XXIV.	Powers of sessions judges—Revision of proceedings.

4. Magistrates and their Subordinates—Justices of the Peace.

1793. IX.	Powers and duties of magistrates—Sections ii. to xxxiii.
1796. II.	Procedure of magistrates against offenders, being European British subjects.
1797. IV.	Rules for the examination of witnesses.
— XIII.	Powers and duties of assistant magistrates.
— XIV.	Restitution of stolen property—Costs of parties.
1801. III.	Procedure on charges of perjury preferred by parties against witnesses.
1802. VI.	Prevention of infanticide at Saugor and elsewhere.
1806. XI.	Assistance to troops and travellers passing through districts.
— XV.	Procedure on committal of European British subjects.
1807. IX.	Procedure in criminal cases—Powers of magistrates—Bail—Calendars—Reports.
1810. XVI.	Appointment of magistrates, joint and assistant magistrates.
1811. I.	Proceedings in cases of housebreaking—Search for stolen property.
1812. III.	Preliminary investigations by magistrates.
— XI.	Removal of suspicious immigrants.
1818. XII.	Powers of magistrates in cases of housebreaking, theft, receiving stolen property, and prisoners escaping from confinement.
1819. VII.	Increased powers of magistrates in certain cases.
1820. III.	Prohibiting the pressing of coolies and begaries.
— IV.	Magistrates to give effect to sentences of Courts Martial—Jurisdiction and powers of magistrates and assistant magistrates.
1821. III.	
— IV.	Authority to blend the offices of magistrates and collectors.
1822. I.	Powers of magistrates in cases of affrays.
1824. VI.	Procedure of magistrates in cases of persons charged with two or more offences.
— X.	Magistrates empowered to tender pardons.
— XI.	Magistrates empowered to depute assistants to make local investigations.
1825. VI.	Rules for the supply of troops on march—Modification of XI. 1806.
— XX.	British subjects attached to the army, how to be dealt with.
1828. VIII.	Amendment of I. 1822.
1829. VI.	Powers of magistrates in cases of theft.
1830. VIII.	Examinations before magistrates.
1838. XXXII.	Powers of justices of the peace.
1839. II.	Levy of fines imposed by magistrates under the Acts.
1840. IV.	Powers of magistrates in disputes respecting land, likely to lead to affrays.
— XXI.	Act IV. 1840, declared not retrospective.
1841. XXI.	Prevention of local nuisances.
1843. IV.	Appeals from justices of the peace.
— XV.	Appointment of uncovenanted deputy magistrates.
1845. VI.	Issue of commissions of the peace.
— XXVII.	Powers of assistant magistrates.
1846. VII.	Diet money of witnesses in petty cases.
1853. VII.	Powers of magistrates in respect of certain offences, not felonies.

5. Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, and Law Officers.

1821. III. iii. 1831. V. xviii. 6. 1832. II. iii.	Powers of, in criminal cases.

6. General Procedure in Prosecution of Crime—Administration of Mahomedan Law—Specific Offences and their Punishments.

1793. IX.	Certain modifications of Mahomedan law declared—Sections l. to lvi.
1796. IX.	Appearance of prisoners' witnesses before the Court of Sessions.
1797. IV.	Procedure on charges of sorcery.

1797.	XIV.	Rules for the administration of Mahomedan law.
1799.	IV.	Procedure respecting crimes against the state.
—	VIII.	Rules for the administration of Mahomedan law.
—	X.	Reference of trials to the Nizamut Adawlut.
1801.	VIII.	Rules for the administration of Mahomedan law.
1802.	VI.	Prevention of infanticide at Saugor and elsewhere.
1803.	L.	Appearance of prisoners' witnesses before the Court of Session.
1803.	LIII.	Procedure in cases of dacoity or gang robbery—Security for good behaviour.
1804.	X.	Suppression of crimes against the state by military law.
1805.	III.	Punishment of gang robbery and theft.
1807.	II.	——— of perjury and forgery.
1808.	VIII.	Reference of trials for dacoity to the Nizamut Adawlut.
1810.	I.	Power to dispense with fútwas in criminal cases.
—	XIV.	Remission and mitigation of punishment—Pardon.
1811.	I.	Punishment for housebreaking—Search for stolen property.
—	XIV.	——— by transportation.
1813.	IX.	Transportation restored.
1814.	XI.	Modification of the rules for the punishment of housebreaking.
—	XV.	Punishment for two offences conjointly.
1817.	XVII.	Modification in the administration of criminal justice—Mahomedan law.
1818.	III.	Authority to confine state prisoners without taking judicial proceedings.
—	VI.	Rules of practice.
—	VIII.	Security for good behaviour.
1819.	III.	——— to be taken from notorious robbers, not dacoits.
1820.	VII.	Punishment of dhurna.
1822.	IV.	Rules for the administration of Mahomedan law.
—	VIII.	Power to remove criminal trials from one court to another.
1823.	II.	Punishment of affrays attended with homicide.
—	IV.	Judges not to try prisoners committed by themselves as magistrates.
1824.	X.	Procedure in the tender of pardons.
1825.	IV.	Rules respecting security for keeping the peace.
—	XII.	Modifications in the rules for the administration of corporal punishment.
—	XVI.	Punishment of dacoity by Sessions Court.
1828.	VI.	Modification of II. 1823.
1829.	I.	Appointment and powers of Commissioners of Circuit.
—	XII.	Punishment for "wounding with intent to murder"—Revision of sentences.
—	XVII.	Abolition of suttee.
1830.	IV.	Temporary employment of Mahomedan law officers.
1831.	I.	Punishment of robbery by open violence.
—	II.	Trial of cases removed from one jurisdiction to another.
1832.	VI.	Rules for the administration of Mahomedan law.
1834.	II.	Abolition of corporal punishment and labour.
1836.	XXX.	Punishment for belonging to a gang of Thugs.
1837.	XVIII.	Committal and trial for thuggee.
1839.	XVIII.	Thuggee, where may be tried.
1841.	V.	Trial of offences against the state.
1843.	XVIII.	Procedure against persons charged with thuggee and dacoity committed in states in alliance.
—	XXIV.	Punishment of dacoity.
1844.	III.	Modification of rules of Regulation II. 1834.
—	IV.	Repeal of certain rules respecting dacoity.
—	XIV.	Punishment by transportation.
1845.	X.	Issue of warrants when summons could not be served.
1847.	X.	Amendment of XXX. 1836.
1848.	I.	Amended procedure in cases of forgery.
—	III.	Definition of Thug and Thuggee.
—	XI.	Punishment of wandering gangs of thieves and robbers.
1849.	I.	Punishment of offences committed in foreign states.
—	II.	Abolition of the punishments of branding and exposure.
—	IV.	Custody of criminal lunatics.
1850.	XXXIV.	——— state prisoners.
1851.	XVI.	Trial of receivers of stolen property.

7. Police—Responsibilities of Landholders in keeping the Peace and giving notice of crimes.

1793. XXII.	Original Regulation for the establishment of police.
1797. II.	Police responsibilities of landholders and farmers.
— VI.	Appropriation of police funds.
1806. XI.	Assistance to troops and travellers passing through districts—Military guards and escorts.
1808. X.	Appointment and powers of superintendent of police for Calcutta, Dacca, and Moorshedabad.
1810. VI.	Responsibilities of zemindars to give notice of crimes.
— VIII.	Appointment of a superintendent of police for Patna, Benares, and Bareilly.
— XVI.	Remuneration of police for meritorious services.
1811. VII.	Duties of police.
1812. III.	Responsibilities of landholders.
— XXI.	Police—Rescission of rules respecting licenses to certain trades.
1814. VIII.	Responsibilities of zemindars to give notice of crimes.
— XIII.	Abolition of the office of cutwal in Dacca, Patna, and Moorshedabad.
1816. XVII.	Regulation and control of police—Powers of superintendent of police.
1817. VII.	Payment of chokeedars of police.
— XX.	General consolidated native police Regulation.
1818. XII.	Apprehension of prisoners escaping from confinement.
1820. III.	Prohibiting the pressing of coolies and begarees.
1821. III.	Powers of chokeydars' assistants.
1825. VI.	Rules for the supply of troops on march—Modification of XI. 1806.
1832. II.	Power of search—Powers of law officers and ameens to punish chokeydars.
1835. XVIII.	Restrictions on wearing badges and uniforms.
1836. XXVI.	Appointment of a superintendent of police in the camp of the Governor-General of India.
1837. XV.	Levy and appropriation of police-tax.
— XXIV.	Reappointment of superintendent of police.
1850. XXVI	Improvements in towns.
1852. XXXI.	Rescission of a rule respecting the remuneration of darogahs.
1853. II.	Amenability of British subjects holding lands.

8. Prisoners—Prison Discipline—Convicts.

1799. II.	Punishment of guards conniving at prisoner's escape.
1803. LIII.	Escape of convicts.
1811. XIV.	Detention for transportation.
1813. IX	Transfers of convicts.
1816. XIV.	Management of gaols and control over the employment of prisoners.
— XVII.	Regulation and control of gaols.
1823. IV.	Employment of convicts at Allypore gaol.
1826. III.	Control of civil gaols.
1828. I.	Transportation—Convicts in Allypore gaol.
1830. VI.	Allowance to prisoners in civil gaols.
1833. IV.	Superintendence and employment of convicts on public works.
1834. II.	Prison discipline.
1840. II.	Sentences of imprisonment passed by Courts Martial to be executed by officers in charge of gaols.
— XVI.	Treatment of convicts at the place of punishment.
1844. XVIII.	Superintendence of gaols vested in magistrates.
1845. XVIII.	Punishment of offences committed by convicts.
1850. VII.	Removal of prisoners from one gaol to another.

IV.

REVENUE.

A. *LAND.*

1. a. Powers and Duties of Boards of Revenue and Collectors.

1793. II.	Powers and duties of collectors and of the Board of Revenue.
1804. V.	Oath of revenue officers.
1811. XIII.	Deputations of the Board of Revenue.
1813. XV.	Abolition of the office of dewan to collectors.
1817. XXIV.	Powers of a single member of the Board of Revenue.

1822. III.	Powers of the Board of Revenue and rules of practice.
— VII.	——— of collectors revising settlements.
1825. IX.	Extension of VII. 1822.
1828. IV.	Powers of collectors under VII. 1822, defined.
1829. I.	Appointment and powers of Commissioners of Revenue and Circuit.
1833. IX.	Enlargement of certain provisions of VII. 1822—Appointment of uncovenanted deputy collectors.
1848. XIII.	Limitation of time for contesting collectors' awards under VII. 1822, &c.
— XX.	Attendance of landholders before collectors.
1850. XVIII.	Protection of officers acting judicially.
— XLIV.	Consolidation of Board of Customs, Salt, and Opium with Board of Revenue.

b. *Of Court of Wards.*

1793. X.	Powers and duties of Court of Wards.
— XXVI.	Minority to end at eighteenth year.
— L.	Court of Wards may admit females to manage estates.
1795. LV.	Guardians under the Courts of Wards not required to give security in courts.
1796. III.	Limitation of the operation of the Court of Wards' Regulation.
— VII.	Contumacy and profligacy not grounds of disqualification.
1822. VI.	Discretionary power of farming estates and of non-interference in cases of minors.

2. Settlement of the Revenue and Rights in the Land.

1793. I.	The revenue settlement of Bengal, Behar, and Orissa declared permanent.
— VIII.	Rules for the decennial settlement of Bengal, Behar, and Orissa.
— XI.	Succession to estates of intestate proprietors.
— XLIV.	Limitation of term for grant of leases by proprietors.
1794. IV.	Rules for the delivery of ryotty pottahs.
1797. XV.	Definition of "Jumma."
1798. I.	Bye-bil-wuffa, or conditional sales of land.
1800. I.	Appointment of guardians to disqualified joint proprietors not under Court of Wards.
— X.	Modification of XI. 1793.
1801. I.	Separation of talooks from zemindaries.
1805. XVII.	Management of joint undivided estates.
1806. XVII.	Bye-bil-wuffa, or conditional sales of land.
1811. XI.	Extension of the period for correcting errors in apportioning the jumma on division of estates.
1812. V.	Grant of leases by proprietors—Realization of revenue.
— XVIII.	Limitation of time for granting leases.
1814. XIX.	Rules for the division of estates.
1819. VIII.	——— regarding putnee talooks and leases.
1822. VII.	Powers of collectors in making and revising settlements.
1825. IX.	Extension of provisions of VII. 1822—New provisions on several subjects of revenue administration.
— XI.	Rules respecting gains and losses of land by alluvion, and dereliction.
1828. IV.	Powers of collector under VII. 1822, defined.
1833. IX.	Amendment of VII. 1822, and IV. 1828.
1836. XX.	Power of quashing butwaras or divisions of estates.
1837. IV.	British subjects empowered to hold land.
1838. XI.	Remuneration of ameens effecting divisions of estates.
1840. IV.	Prevention of affrays and forcible dispossession.
1846. IV.	Sales of land in execution of decrees.
1847. IX.	Assessment of lands gained by alluvion in Bengal, Behar, and Orissa.
1848. XIII.	Suits to contest awards under VII. 1822.
1850. XXIII.	Security of the land revenue in Calcutta.

3. Recovery of Arrears of Revenue and Rent.

1793. XIV.	Recovery of arrears of revenue.
— XVII.	——————— rent.
1794. III.	Recovery of arrears of revenue and of public papers and accounts from public servants.
1795. XXXV.	Amended rules for the recovery of arrears of rent.
1799, VII.	Recovery of arrears of rent and revenue.
1801. I.	Modification of VII. 1799, as respects arrears of revenue.
1812. V.	Recovery of revenue and rent.
1817. XIX.	Summary process for recovery of arrears of rent.

1819. VIII.	Realization of rent—Putnee tenures.
1820. I.	Sales for realization of rent.
1822. XI.	Rescission of rules for sales—Administration of estates purchased on account of Government —Errors of Courts of Justice not to cast any liability on Government.
1824. XIV.	Powers of collectors in trial of summary suits for arrears of rent.
1825. IX.	Power of farming or holding khas defaulting mehauls.
1830. VII.	Rescission of rules relating to interest, and penalty on arrears of revenue.
1831. VIII.	Cognizance of summary suits for arrears of rent transferred to collector.
1835. VIII.	Sales of land for arrears of revenue and rent to be effected by collectors and not by judges.
1839. I.	Appointment of commissioners for sale of property distrained for rent.
— III.	No one exempt from the jurisdiction of Revenue Courts and Moonsiffs in matters of rent.
1841. I.	Realization of revenue from putteedaree estates.
— XII.	Abolition of interest and penalty on arrears of revenue.
1845. I.	Realization of arrears of revenue by sale.
1846. X.	Procedure in certain cases of distraint for arrears of rent.
1848. VIII.	Realization of revenue and rent.
1850. XXV.	Forfeiture of deposits at putnee sales.
— XXXIII.	Sales of putnee tenures for arrears.
1852. XXII.	Summary suits for arrears of rent.
1853. VI.	Sale of lands for recovery of arrears of rent.
— IX.	Limitation of Act VI. 1853.

4. La-khiraj and Mocurrery Grants,—and Pensions.

1793. XIX.	Validity of la-khiraj titles not badshahee.
— XXIV.	Payment of pensions charged on the land revenue.
— XXXVII.	Validity of la-khiraj titles badshahee.
— XLIII.	Allotment of lands to native invalid officers and soldiers.
1795. LVIII.	Commissions granted to collector on resumed la-khiraj.
1804. I.	Invalid jaghires and pensions.
1806. XXII.	Payment of pensions charged on the land revenue.
1808. XI.	Adjustment of rent payable by heirs of invalid jaghirdars.
1811. II.	Support of invalid native military officers.
1813. XI.	Modification of rules respecting payment of pensions.
1819. II.	Resumption of unauthorized la-khiraj.
1825. IX.	Extension of provisions of VII. 1822—Powers of collectors revising settlements in respect of la-khiraj.
— XIII.	Rules respecting canoongoe and other la-khiraj lands—Settlement of resumed lands.
— XIV.	Validity of la-khiraj grants.
1828. III.	Appointment of Special Commissioners for la-khiraj resumptions.
1829. IV.	Modification of III. 1828.
1849. VI.	Pensions not liable to Court's process.

5. Public Works.

1793. XXXIII.	Embankments, reservoirs, and watercourses.
1806. VI.	Repairs of embankments.
1810. XIX.	Endowments—Public buildings—Escheats.
1824. I.	Powers of Government to obtain lands for roads or other public purposes.
1829. XI.	Officers for superintendence of embankments to be appointed by Government.
1837. XXXVIII.	Who may be appointed local agents under XIX. 1810.
1850. I.	Title to lands taken for public purposes.
— XLII.	Facilities for public works.

6. Registers and Records.

1793. XXI.	Preservation of revenue records.
— XLVIII.	Formation and continuance of a quinquennial register.
1797. XV.	Fees on divisions and transfer of estates—Definition of "Jumma."
1800. VIII.	Establishment of pergunnah registers.

B. *MISCELLANEOUS.*

1. Abkary, Drugs, Sayer, and Tobacco.

1793. XXVII.	Resumption and abolition of sayer.
1802. II.	Duties on spirits manufactured at distilleries worked in the European manner.
1811. VI.	Close of period for allowing compensation in lieu of sayer resumed.

1813. X.	Consolidated abkary Regulation.
1814. XVII.	Recovery of arrears from abkary manufacturers and venders of spirits and drugs.
1820. V.	Frontier duties on tobacco.
1824. VII.	Amended rules for the abkary and opium department.
1840. XXV.	Administration of the abkary department.
1841. IX.	Adjudication of penalties under Act XXV. 1840.
1848. XXIII.	Correction of a clerical error in XXV. 1840.
1849. V.	Duties to be levied proportionately on all quantities.
— XI.	Abkary revenue in Calcutta.

2. Salt and Saltpetre.

1814. IV.	Duty on saltpetre.
1819. IX.	Consolidated salt regulation.
1826. X.	Manufacture of noonchye prohibited—Retail sale of salt.
1832. IV.	Transport of salt.
1835. IX.	Superintendence of salt chokies—Appointment of uncovenanted superintendents.
1838. XXIX.	Prevention of illegal traffic in salt.
1843. XIV.	Manufacture of salt, and customs duties thereon, in the North-West Provinces.
1848. XVI.	Abolition of import duties on trade between the North-West Provinces and Bengal.
1849. XIII.	Prevention of smuggling salt into Calcutta.
1851. III.	——— of illicit manufacture and transport.

3. Opium.

1816. XIII.	Consolidated opium regulation.
1817. XVI.	Duty on import of opium.
1818. XI.	Modification of opium regulations.
1824. VII.	Amended rules respecting manufacture and sale.
1826. VIII.	——————— contraband opium.

4. Indigo.

1823. VI.	Enforcement of indigo contracts.
1824. V.	Extension of the indigo contract Regulation—VI. 1823.
1830. V.	Punishment for damaging crops—Release from engagements.
1835. XVI.	Rescission of certain rules imposing penalties and punishments.
1836. X.	Enforcement of indigo contracts.

5. Ferries and Tolls.

1806. XVIII.	Tolls on Bankah nulla.
1819. VI.	Management of ferries.
1824. VIII.	Tolls on the Bhagiruttee and other rivers.
1836. XXII.	Collection of tolls on the eastern and other canals connected with the Hoogly.
1851. VIII.	Levy of tolls on public roads and bridges.

6. Pilgrim Tax.

1840. X.	Abolition of pilgrim tax at Juggernath, Gaya, &c.

C. *CUSTOMS, COMMERCE, AND SHIPPING.*

1801. VII.	Duties on dhonies and vessels navigating the Hooghly.
1807. XI.	Transportation of arms of European manufacture beyond the Company's territories without a Government pass prohibited.
1810. IX.	Collection of Government customs.
1812. I.	Modification of duties.
— XIX.	Collection of ad-valorem duties—Division of packages.
1813. XIV.	Abolition of import duty on horses.
1814. VI.	Rates of ad-valorem duties.
1815. IV.	Modification of duties.
1820. V.	Frontier duties on tobacco.
1822. II.	Appointment of officers for collection of customs.
1823. V.	Frontier duties—Rescission of previous rules as to sea duties.
1825. XV.	Duties and drawbacks.
1826. IX.	Local jurisdiction of the custom authorities.
1829. XV.	Rescission of certain rules for valuation of goods.

1830.	II.	Trade with foreign countries.
—	III.	Export duties.
1833.	VI.	Calculation of ad-valorem duties on imports by sea.
1836.	XIV.	Consolidated customs regulation—Abolition of inland and town duties.
—	XXV.	Warehousing ports.
—	XXXII.	Importation of sugar.
1837.	XVI.	Levy of ad-valorem duty.
1841.	VI.	Importation of rum and rum shrub.
—	X.	Registry of ships.
—	XIII.	Import duties on wines and spirits.
—	XVIII.	Exportation of military stores.
1842.	XI.	Importation of foreign sugar.
1843.	XXV.	False marks on foreign goods subject them to confiscation.
1845.	IX.	Amended rates of import duties.
1848.	VI.	Equalization of duties on British and foreign bottoms.
—	VII.	Drawbacks on re-exportation.
1849.	V.	Duties to be levied proportionately on all quantities of goods.
1850.	V.	Freedom of the coasting trade of India.
—	X.	Aden declared a free port.
—	XI.	Registry of ships—Amendment of X. 1841.
—	XXVII.	——— of merchant seamen.
—	XXVIII.	Encouragement of merchant seamen.
—	XLIV.	Consolidation of the Boards of Revenue and Customs.
1853.	X.	Navigation of boats on the Hooghly.

V.

PUBLIC OFFICERS—APPOINTMENT, REMOVAL, AND RESPONSIBILITIES.

1793.	XII.	Appointment of Hindoo and Mahomedan law officers.
—	XIII.	——— ministerial officers of courts.
—	XVIII.	——— native record keepers in the courts.
—	XXI.	——— in the revenue department.
—	XXXVIII.	Covenanted civil servants forbidden to lend money to landholders.
—	XXXIX.	Appointment of head kazi and kazis of towns.
1794.	III.	Recovery of money and papers from native revenue officers.
1804.	V.	Appointment and removal of native public officers.
1806.	X.	Security to be required on preferring charges of corruption against law officers and ministerial officers of courts.
1809.	VIII.	Appointment and removal of native officers in civil departments.
1813.	II.	Punishment of public officers for abuse of trusts in using public monies.
1814.	II.	Rules for the conduct of suits against public officers.
—	XXI.	Covenanted civil servants not to employ their native creditors on public duties.
1816.	XVII. vii.	Appointment and removal of police officers.
1817.	XX. iii.	
—	XVIII.	Oaths of native judicial officers—Proceedings in cases of corruption and embezzlement.
1823.	VII.	Covenanted civil servants forbidden to borrow from natives subject to their authority or influence.
1825.	VIII.	Public servants not to be employed in private duties, nor private on public, in the judicial department.
1826.	XI.	Appointment and removal of law officers.
1827.	III.	Procedure on charges of corruption against law or ministerial officers.
1829.	XIII.	Suits against public officers and Government.
1831.	V. xxvi.	Dismissal of Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.
—	XI. viii.	Appointment and removal of police officers.
1837.	XXV. xii.	Ministerial officers in Courts of Principal Sudder Ameens, Sudder Ameens, and Moonsiffs.
1839.	XXVI.	Rescission of previous rules respecting charges against public officers.
1843.	V.	Appointment and dismissal of uncovenanted deputy magistrates.
1845.	V.	Examination of law officers.
1850.	XII.	Responsibilities of public accountants.
—	XIII.	Punishment of breaches of trust by public officers.
—	XXXVII.	Inquiries into the conduct of public officers.
1852.	XXXII.	Prosecution of public servants for corruption.

VI.

MILITARY AND NAVAL.

1793.	XLIII.	Allotment of lands to native invalid officers and soldiers.
1804.	I.	Invalid jaghires and pensions.
—	X.	State offences cognizable by Courts Martial.
1806.	XI.	Assistance to troops and travellers passing through districts—Military guards and escorts.
1808.	XI.	Rents to be paid by heirs of invalid jaghirdars.
1809.	II.	Power to convene Courts Martial when troops are on foreign service.
—	III.	Police in military cantonments and bazars.
1810.	XX.	Amenability of camp followers to martial laws—Limits of cantonments—Police in military bazars.
1811.	II.	Pensions of invalid officers and soldiers.
1816.	XV.	Facilities to native soldiers and officers in the prosecution and defence of civil suits.
1820.	IV.	Magistrates to give effect to sentences of Courts Martial.
1825.	VI.	Rules for the supply of troops on march—Modification of XI. 1806.
—	XX.	British subjects attached to the army how to be dealt with by magistrates.
1828.	V.	Awards of Military Courts to be executed by Civil Courts.
1836.	IX.	Commanding officers at military stations empowered to administer oaths.
1839.	XXIII.	Punishment of soldiers dismissed by Courts Martial.
1840.	II.	Sentences of imprisonment passed by Courts Martial to be executed by officers in charge of gaols.
1841.	XI.	Constitution and powers of Military Courts of Requests.
—	XVIII.	Exportation of military stores.
—	XXVIII.	Punishment of camp followers.
1842.	XII.	Regulation of military bazars—Liabilities of camp followers.
1845.	XV.	Privileges of soldiers in judicial or revenue proceedings.
—	XX.	Preamble to Articles of War.
1847.	XIX.	Articles of War.
1849.	VI.	Military and naval pensions and superannuations protected from law process.
—	XIV.	Punishment for tampering with the army or navy.
1850.	VI.	Commander-in-Chief empowered to pardon military offences.
—	XXXVI.	Amendment of an Article of War.
1852.	XXXIII.	Execution of decrees of Military Courts of Requests against soldiers.

VII.

MISCELLANEOUS.

1. Legislation and construction of Enactments—Official Notifications.

1793.	XLI.	Enactment and authority of Regulations.
1834.	I.	Certain Acts of the Governor-General in Council declared valid.
—	II.	Authority of secretaries to Government.
1835.	X.	Publication in the Government Gazette proof of any "Act" having been passed.

2. Emigration.

1839.	XIV.	Contracting with a native to emigrate forbidden.
1842.	XV.	Native emigration regulated—Order of her Majesty in Council, 15th Jan. 1842.
1843.	XXI.	To Mauritius, restricted and regulated.
1844.	XXI.	To Jamaica, British Guiana, and Trinidad, regulated.
1847.	XIII.	To Ceylon, regulated.
1852.	IV.	Regulations regarding emigrant ships.
—	XXIV.	Prevention of crimping.

3. Coinage and Mints.

1793.	XXXV.	Gold and silver coin—Regulation of the mint.
1795.	LIX.	Mint-master to furnish revenue authorities with scales.
—	LXII.	Mint at Moorshedabad abolished.
1805.	XI.	Rules for coinage in Ceded and Conquered Provinces and Bundlekund.
1807.	XIII.	Rescission of certain rules.
1812.	II.	Conduct of business of mints.
1818.	XIV.	Conduct of business of mints.
1819.	V.	Conduct of business of mints.

1821. V.	How engagements for Gohurshahee and Trisoolee rupees are to be commuted in Benares.
1824. II.	Furruckabad mint abolished.
1833. VII.	Assimilation of the Furruckabad rupee to rupees of other presidencies—Establishment of the tola as a standard of weight.
1835. XVII.	General coinage regulation—Establishment of the Company's rupee.
— XXI.	What copper coins shall be coined.
1836. XIII.	Abolition of sicca rupee.
1837. XXXI.	What sovereign's head to be stamped on coins.
1838. XXI.	Governor-General in Council may direct coinage of fractions of rupee.
1844. XIII.	Trisoolee pice in Benares no longer a legal tender.
— XXII.	Establishment of one universal copper coinage.

4. Post-Office and Bhangi.

1837. XVII.	Post-office regulations.
1838. XX.	Amended post-office regulations—Bhangi.
1839. XVII.	Rates of postage may be regulated by Government.

5. Sundry Rules unclassified.

1811. X.	Importation of slaves prohibited.
1832. III.	Emancipation of slaves.
1835. XI.	Regulation of printing presses.
1837. XXI.	Declaration substituted for oaths not judicial.
1843. V.	Amendments of the laws in respect to the condition of slaves.
1844. V.	Suppression of lotteries.
1847. XX.	Regulation of copyright.
1850. XIX.	Rules for binding apprentices.
1852. XXX.	Naturalization of aliens.

VIII.

ENACTMENTS OF LOCAL OPERATION.

1. Benares.

1795. I.	Permanent settlement of the land revenue in Benares—Enactment, authority, and construction of Regulations.
— II.	Rules of the temporary settlement preceding the permanent.
— IV.	Prohibition of the collection of internal duties by landholders.
— V.	Powers and duties of the collectors of land revenue.
— VI.	Recovery of arrears of revenue.
— VII.	Constitution, duties, powers and jurisdiction of Zillah Courts.
— VIII.	Rules for the institution and trial of civil suits—Privileges of the Rajah of Benares.
— IX.	——— institution and trial of appeals.
— *X.	Jurisdiction of the Sudder Dewanny Adawlut in appeals.
— XI.	Appointment of law officers.
— XII.	——— of ministerial officers of courts.
— XV.	Reference of suits to arbitration and to the rajah.
— XVI.	Apprehension and trial of offenders—Powers of Criminal Courts.
— XVII.	Establishment of police.
— XVIII.	Preservation of judicial records, civil and criminal.
— XIX.	Formation of the Quinquennial Register.
— XXI.	Prevention of koorhs, dhurna, and infanticide.
— XXII.	Record of judicial rules anterior to the judicial code.
— XXVII.	Rights of proprietors under the permanent settlement.
— XXVIII.	Registry of wills and deeds.
— XXX.	Preservation of revenue records.
— XXXIII.	Cultivation of indigo by British subjects.
— XXXIV.	Rules respecting pensions payable from Moolky treasuries.
— XLI.	Validity of La-khiraj titles, not Badshahee.
— XLII.	——— Badshahee.
— XLIII.	Allotment of lands to invalid native officers and soldiers.
— XLIV.	Succession to estates of intestate proprietors.
— XLV.	Recovery of arrears of rent.
— XLVI.	Embankments, reservoirs, and water-courses.
— XLVIII.	Revenue and judicial covenanted servants not to lend money to natives.

1795.	XLIX.	Appointment, removal, and duties of head kazi and town kazis.
—	L.	Limitation of period for grant of leases by proprietors.
—	LI.	Rules respecting ryotty pottahs.
1797.	II.	Police responsibilities of landholders and farmers.
—	VIII.	Prosecutions on the subject of losses by theft to be civil suits.
1800.	II.	Use of stone quarries at Chunar.
—	V.	Recovery of arrears of revenue and rent.
1806.	XVII.	Rules regarding interest and conditional sales—Sections i. to vi.
—	XXI.	Appointment and responsibilities of tehsildars.
1807.	VII.	Payment by zemindars into the Moolky treasury.
—	XIV.	Police—Amendments of the system.
1808.	IV.	Appointment and duties of canoongoes.
1810.	VIII.	——— of a superintendent of police.
1812.	XV.	Punishment of housebreaking.
1817.	XII.	Appointment and duties of putwarries.
1819.	I.	Modifications of XII. 1817.
1822.	VI.	Powers and duties of the Court of Wards.
1828.	VII.	Administration of the rajah's jaghire mehauls.

2. Ceded Provinces in Oude.

1803.	I.	Enactment and authority of Regulations.
—	II.	Constitution, jurisdiction, and powers of Zillah Courts.
—	III.	Institution and trial of civil suits.
—	IV.	——— of appeals.
—	V.	Jurisdiction, powers, and duties of the Sudder Dewanny Adawlut.
—	VI.	Powers and duties of magistrates.
—	VII.	——— of courts for holding sessions.
—	VIII.	——— of Court of Nizamut Adawlut.
—	XI.	Appointment and removal of Mahomedan and Hindoo law officers.
—	XII.	———, removal, and duties of ministerial officers of courts.
—	XIII.	Preservation of judicial records.
—	XVII.	Registry of wills and deeds.
—	XIX.	Revenue and judicial covenanted servants forbidden to lend money to natives.
—	XX.	Procedure in case of crimes against the state.
—	XXI.	Reference of suits to arbitration.
—	XXII.	Provisions in case of difference between judicial officers on the construction of Regulations.
—	XXIII.	Preservation of revenue records—Fees on divisions.
—	XXIV.	Rules respecting pensions assessed on the land and payable from the treasury.
—	XXV.	Powers and duties of collector and Board of Revenue.
—	XXVI.	Rules for sales of malguzary land—Transfer of estates.
—	XXVII.	Recovery of arrears of revenue—Instructions respecting a triennial settlement.
—	XXVIII.	——— of rent.
—	XXX.	Rules respecting ryotty pottahs.
—	XXXI.	Validity of la-khiraj titles not Badshahee.
—	XXXII.	Affrays respecting disputed boundaries, &c.
—	XXXIII.	Recovery of money and accounts from public servants.
—	XXXIV.	Rate of interest to be allowed on mortgages and conditional sales.
—	XXXV.	Establishment of police—Responsibilities of landholders.
—	XXXVI.	Validity of la-khiraj titles Badshahee.
—	XLII.	Quinquennial and pergunnah registers.
—	XLIV.	Embankments, reservoirs, and water-courses.
—	XLVI.	Appointment, removal, and duties of head and town kazis.
—	XLVII.	Powers of landholders to grant leases.
—	LII.	——— and duties of the Court of Wards.
1804.	III.	Evasion or resistance to process—Bailable offences—Infanticide.
—	VI.	Rescission of Regulation XXXIX. 1803, respecting salt.
1805.	V.	Modifying the terms of the second settlement for Fussily, 1213 to 1215.
1806,	XXI.	Appointment and responsibilities of tehsildars.
1807.	XIV.	Police—Amendments of the system.
1808.	IV.	Appointment and duties of canoongoes.
—	V.	Explanation of certain rules respecting the settlement.
—	VII.	Registry of la-khiraj lands.
1812.	IX.	Declaration that the settlement will not be made permanent.
—	XIV.	Period for which leases may be granted by landholders.

1812. XV.	Punishment for housebreaking.
1813. VII.	Reference of revenue accounts by courts to collector for report—Prosecution for perjury.
1815. I.	Rules for dealing with mocurrery and istimraree tenures.
1816. XVI.	Settlement for Fussily, 1225 to 1229.
— XVIII.	Annexation of pergunnah Handya to zillah Allahabad.
1817. VI.	Explanation of a rule in XXIV. 1803—Pensions.
— XII.	Appointment and duties of putwarries.
1819. I.	Modification of XII. 1817.
1826. II.	Settlement—1235 to 1239.
1831. XI.	Employment of tehsildars as darogahs of police—Appointment and removal of police officers.
1835. III.	Dissolution of the special commission to rectify errors in assessment.
1836. XII.	Execution of decrees passed by the Nawaub of Furruckabad.

3. Conquered Provinces in the Dooab and on the Right Bank of the Jumna and in Bundlecund.

1804. IX.	Divisions, territorial and judicial—Magistrates, police, and administration of criminal justice.
1805. VIII.	Extension of Regulations of 1803.
— IX.	Proclamation of the terms of settlement after Fussily, 1212, A.D. 1804-5.
1806. XII.	Annexation of pergunnahs resumed from Bhurtpore to zillah of Agra.
— XXI.	Appointment and responsibilities of tehsildars.
1807. XIV.	Police—Amendments of the system.
1808. IV.	Appointment and duties of canoongoes.
— VII.	Register of la-khiraj lands.
1812. X.	Declaration that the settlements will not be made permanent.
— XIV.	Period for which leases may be granted by landholders.
— XV.	Rules respecting housebreaking.
— XXII.	Exemption of certain jaghires of Bundlecund from tribute.
1813. VII.	Reference of revenue accounts by courts to collector for report—Prosecution for perjury.
1815. I.	Rules for dealing with mocurrery und istimraree tenures.
1816. VII.	Amrut Rao's jaghire in Bundlecund exempted from the Regulations.
1817. XII.	Appointment and duties of putwarries.
1818. II.	Annexation of the elakeh of Khundah to the zillah of Bundlecund.
— IX.	Setttlement—Fussily, 1227 to 1232.
1819. I.	Modifications of XII. 1817.
1831. XI.	Employment of tehsildars as darogahs of police—Appointment and removal of police officers.
1835. III.	Dissolution of the special commission to rectify errors in assessment.

4. Cuttack.

1804. IV.	Administration of justice in criminal cases—The laws in force in Bengal, Behar, and Orissa extended to Cuttack.
1805. XII.	Proclamation of settlement—Extension of Regulations.
— XIII.	Administration of police—Amendment of IV. 1804.
— XIV.	——————— civil justice.
1808. VI.	Settlement for Umlee, 1216 to 1219.
1810. IV.	Abolition of the office of Commissioner of Cuttack.
1812. X.	Declaration that the settlement will not be made permanent.
— XIV.	Period for which leases may be granted by landholders.
1813. I.	Modification of rules respecting period of settlement—Umlee, 1220 to 1222.
1815. III.	Settlement for Umlee, 1223.
1816. V.	Re-establishment of the office of canoongoe.
— VI.	Settlement for Umlee, 1224 to 1226.
— XI.	Rules for the administration of certain estates by a superintendent.
1817. XII.	Appointment and duties of putwarries.
— XIII.	Establishment of the office of Canoongoe in Midnapore.
1818. V.	Establishing the office of Commissioner of Cuttack.
— X.	Realization of the revenue.
— XIII.	Settlement—Umlee, 1226 to 1229.
1819. I.	Modifications of XII. 1817.
1822. VII.	Settlement—Powers and duties of collectors in making.
1830. I.	Administration of Midnapore.
1833. XIII.	Special rules for the administration of Ramghur, jungle mehauls and Midnapore.
1837. VI.	Responsibilities of malguzars for their jumma.
1840. X.	Abolition of pilgrim tax at Juggernath, Gaya, &c.
1845. XXI.	Suppression of meriah sacrifices.
1850. XX.	Trial of boundary questions.

5. North-Western Provinces.

1806.	XIV.	Abolition of the zillah Northern division of Saharunpore.
1811.	IX.	Division of estates—Joint undivided estates.
1817.	IV.	Annexation of Deyra Dhoon to Saharunpore.
1818.	IV.	Re-establishing the jurisdiction of Dewanny Adawlut in the North District of Saharunpore.
1822.	VII.	Settlement—Powers and duties of collectors in making and revising.
1824.	IX.	Modifications and amendments of VII. 1822.
1825.	XXI.	Administration of the Deyra Dhoon.
1826.	V.	Annexation of pergunnah Goberdhun to Agra.
—	VI.	The zillah of Futtehpore constituted.
1829.	V.	Administration of the Deyra Dhoon.
1831.	VI.	Establishment of a Sudder Court.
—	X.	——————— Board of Revenue.
1832.	V.	Administration of the Delhi Provinces,
1833.	I.	Extended powers of the Sudder Board of Revenue in the North-Western Provinces.
1842.	XVI.	Term for which proprietors may grant leases.
1845.	VII.	Tolls on canals.
1846.	VI.	Administration of the Bhuttee territory.
—	VIII.	Settlement—Modification of VII. 1822.
1847.	I.	Establishment and maintenance of boundary marks.
1850.	XXXII.	Administration of civil justice in Subathoo.
1852.	IX.	——————— of Bajee Rao's jaghire in Cawnpore.

6. Various, Unclassified.

1795.	LXII.	Abolition of the mint at Moorshedabad.
1797.	VII.	Zillah of Bakergunge constituted.
1799.	I.	Freedom of trade on the frontiers of Sylhet.
1806,	I.	Abolition of zillah Beerbhoom.
—	VII.	Establishment and jurisdiction of Court of Twenty-four Pergunnahs.
1812.	XVI.	Execution of decrees of Court of Requests in Calcutta by Court of Twenty-four Pergunnahs.
1814.	XXIX.	Settlement of the lands of Ghautwals in Beerbhoom.
1816.	II.	Re-establishment of the office of Canoongoe in part of Bahar.
—	IX.	Appointment and powers of Commissioner of the Sunderbuns.
—	XII.	Establishment of a custom-house at Cox's Bazar.
—	XXII.	Consolidated rules respecting chokeedars of police in Patna, Dacca, and Moorshedabad.
1817.	II.	Re-establishment of the office of Canoongoe in part of Behar.
1817.	XII.	Appointment and duties of putwarries in Behar.
1818.	I.	Establishment of the office of Canoongoe in part of Bengal.
1819.	I.	Modifications of XII. 1817.
1820.	II.	Trial of offences committed at Chandernagore.
1822.	X.	Special rules for the administration of the Garrow Hills.
1825.	XVIII.	Annexation of Chinsurah to zillah Hooghly.
—	XIX.	Rules for the exercise of judicial rights by the Nazim of Bengal.
1827.	I.	Administration of criminal justice in Bhaglepore Hills.
1828.	II.	Freedom of trade on the frontiers of Sylhet.
1830.	VII.	Rescission of rules for levy of interest on arrears of revenue in Bengal, Behar, and Orissa.
1832.	VIII.	Abolition of zillah suburbs of Calcutta—Establishment of zillah Twenty-four Pergunnahs.
1833.	V.	Union of zillah Dacca and Dacca Jelalpore into one district.
1835.	II.	Administration of Arracan, Assam, and Tenasserim.
—	IV.	——————— Cossya Hills and Cachar.
1836.	XVII.	Provision for the administration of the resumed jaghire of Begum Sumroo.
1838.	X.	Administration of Kumaoon.
1839.	XXVII.	Execution of the decrees of the Court of Twenty-four Pergunnahs by the Court of Requests at Calcutta.
1843.	XXII.	Jurisdiction of the Court of the Twenty-four Pergunnahs.
1850.	IX.	Establishment of powers of Small Debt Courts.

REGULATIONS

PASSED BY THE

GOVERNOR-GENERAL IN COUNCIL.

BENGAL SECRETARIAT LIBRARY.

REGULATIONS

PASSED BY THE

GOVERNOR IN COUNCIL OF BENGAL.

A.D. 1793. REGULATION I.

Reg. I. 1793.

A REGULATION *for enacting into a Regulation, certain Articles of a Proclamation, bearing date the* 22*nd March*, 1793: PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

I. THE following articles of the proclamation relative to the limitation of the public demand upon the lands, addressed by the Governor-General in Council to the zemindars, independent talookdars, and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, are hereby enacted into a Regulation, which is to have force and effect from the 22nd March, 1793, the date of the proclamation.

PROCLAMATION.

Decennial settlement declared conditionally permanent by the original Regulations.

II. Art. I. In the original Regulations for the decennial settlement of the public revenues of Bengal, Behar, and Orissa, passed for those provinces respectively on the 18th September, 1789, the 25th November, 1789, and the 10th February, 1790, it was notified to the proprietors of land, with or on behalf of whom a settlement might be concluded, that the jumma assessed upon their lands under those Regulations would be continued after the expiration of the ten years, and remain unalterable for ever, provided such continuance should meet with the approbation of the Honourable Court of Directors for the affairs of the East-India Company, and not otherwise.

Governor-General in Council empowered to declare the jumma assessed upon the lands under those Regulations, fixed for ever.

III. Art. II. The Marquis Cornwallis, Knight of the most noble order of the Garter, Governor-General in Council, now notifies to all zemindars, independent talookdars, and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, that he has been empowered by the Honourable Court of Directors for the affairs of the East-India Company to declare the jumma, which has been, or may be assessed upon their lands under the Regulations above mentioned, fixed for ever.

Jumma assessed upon the lands of proprietors, with or on behalf of

IV. Art. III. The Governor-General in Council accordingly declares to the zemindars, independent talookdars, and other actual proprietors of

whom a settlement has been concluded, declared fixed for ever.

land, with or on behalf of whom a settlement has been concluded under the Regulations above mentioned, that at the expiration of the term of the settlement, no alteration will be made in the assessment which they have respectively engaged to pay, but that they, and their heirs and lawful successors, will be allowed to hold their estates at such assessment for ever.

Jumma which may be hereafter agreed to by the proprietors whose lands are held khas, or let in farm, declared fixed for ever.

V. Art. IV. The lands of some zemindars, independent talookdars, and other actual proprietors of land, having been held khas, or let in farm, in consequence of their refusing to pay the assessment required of them under the Regulations above mentioned, the Governor-General in Council now notifies to the zemindars, independent talookdars, and other actual proprietors of land, whose lands are held khas, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which has been, or may be required of them, in conformity to the Regulations above mentioned, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs and lawful successors, shall be permitted to hold their respective estates at such assessment for ever: and he declares to the zemindars, independent talookdars, and other actual proprietors of land, whose lands have been let in farm, that they shall not regain possession of their lands before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease, and the Governor-General in Council shall approve of the transfer), but that at the expiration of that period, upon their agreeing to the payment of the assessment which may be required of them, they shall be reinstated, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs and lawful successors, shall be allowed to hold their respective estates at such assessment for ever.

Jumma at which lands belonging to Government may be transferred to individuals, declared fixed for ever.

VI. Art. V. In the event of the proprietary right in lands that are, or may become, the property of Government being transferred to individuals, such individuals, and their heirs and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever.

Assessment in former times liable to variation at the discretion of Government.

VII. Art. VI. It is well known to the zemindars, independent talookdars, and other actual proprietors of land, as well as to the inhabitants of Bengal, Behar, and Orissa, in general, that from the earliest times until the present period, the public assessment upon the lands has never been fixed, but that, according to established usage and custom, the rulers of these provinces have from time to time demanded an increase of assessment from the proprietors of land; and that, for the purpose of obtaining this increase, not only frequent investigations have been made to ascertain the actual produce of their estates, but that it has been the practice to deprive them of the management of their lands, and either to let them in farm, or to appoint officers on the part of Government to collect the assessment immediately from the ryots. The Honourable Court of Directors, considering these usages and measures to be detrimental to the prosperity of the country, have, with a view to promote the future ease

Motives of the Court of Directors for abolishing this usage and fixing the assessment,

and happiness of the people, authorized the foregoing declarations; and the zemindars, independent talookdars, and other actual proprietors of land, with or on behalf of whom a settlement has been, or may be concluded, are to consider these orders fixing the amount of the assessment as irrevocable, and not liable to alteration by any persons whom the Court of Directors may hereafter appoint to the administration of their affairs in this country.

which is declared unalterable by any future Government.

The Governor-General in Council trusts, that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs or successors, by the present or any future Government, for an augmentation of the public assessment in consequence of the improvement of their respective estates.

Proprietors expected to improve their estates in consequence of the profits being secured to them.

To discharge the revenues at the stipulated periods without delay or evasion, and to conduct themselves with good faith and moderation towards their dependent talookdars and ryots, are duties at all times indispensably required from the proprietors of land, and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor-General in Council therefore expects that the proprietors of land will not only act in this manner themselves towards their dependent talookdars and ryots, but also enjoin the strictest adherence to the same principles, in the persons whom they may appoint to collect the rents from them. He further expects that without deviating from this line of conduct, they will regularly discharge the revenue in all seasons; and he accordingly notifies to them, that, in future, no claims or applications for suspensions or remissions, on account of drought, inundation, or other calamity of season, will be attended to, but that in the event of any zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, or his or her heirs or successors failing in the punctual discharge of the public revenue which has been, or may be assessed upon their lands under the above-mentioned Regulations, a sale of the whole of the lands of the defaulter, or such portion of them as may be sufficient to make good the arrear, will positively and invariably take place.

Conduct to be observed by the proprietors of land towards their dependent talookdars and ryots.

No claims for remissions or suspensions to be admitted on any account.

See Sect. iii. Act I. 1845.

Lands of proprietors to be invariably sold for arrears.

VIII. Art. VII. To prevent any misconstruction of the foregoing articles, the Governor-General in Council thinks it necessary to make the following declarations to the zemindars, independent talookdars, and other actual proprietors of land.

First. It being the duty of the ruling power to protect all classes of people, and more particularly those who from their situation are most helpless, the Governor-General in Council will, whenever he may deem it proper, enact such Regulations as he may think necessary for the protection and welfare of the dependent talookdars, ryots, and other cultivators of the soil; and no zemindar, independent talookdar, or other actual proprietor of land, shall be entitled on this account to make any objection to the discharge of the fixed assessment which they have respectively agreed to pay.

Government to enact such Regulations as they may think necessary for the welfare of the dependent talookdars and cultivators, and proprietors: not to withhold the revenue on that account.

All internal duties that may be hereafter established to belong exclusively to Government.

Second. The Governor-General in Council having, on the 28th July, 1790, directed the sayer collections to be abolished, a full compensation was granted to the proprietors of land for the loss of revenue sustained by them in consequence of this abolition; and he now declares, that if he should hereafter think it proper to re-establish the sayer collections, or any other internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Jumma that may be assessed on alienated lands to belong exclusively to Government.

Third. The Governor-General in Council will impose such assessment as he may deem equitable, on all lands at present alienated and paying no public revenue, which have been, or may be proved to be held under illegal or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it. See Sec. vi. Reg. XIX. 1793.

Police allowances in land or money, received by proprietors whose jumma is declared fixed, resumable by Government.

Fourth. The jumma of those zemindars, independent talookdars, and other actual proprietors of land, which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, any allowances which have been made to them in the adjustment of their jumma, for keeping up tannahs, or police establishments, and also of the produce of any lands which they may have been permitted to appropriate for the same purpose; and the Governor-General in Council reserves to himself the option of resuming the whole or part of such allowances, or produce of such lands, according as he may think proper, in consequence of his having exonerated the proprietors of land from the charge of keeping the peace, and appointed officers on the part of Government to superintend the police of the country. The Governor-General in Council, however, declares that the allowances or produce of lands which may be resumed, will be appropriated to no other purpose but that of defraying the expense of the police; and that instructions will be sent to the collectors, not to add such allowances, or the produce of such lands, to the jumma of the proprietors of land, but to collect the amount from them separately. See Cl. 2, Sec. ii. Reg. VI. 1797.

Allowances that may be so resumed not to be added to the jumma, but to be collected separately, and applied solely to the police.

Estates of disqualified proprietors, not liable to sale for arrears of assessment accruing whilst they are deprived of the management of them.

Fifth. Nothing contained in this proclamation shall be construed to render the lands of the several descriptions of disqualified proprietors, specified in the first article of the Regulations regarding disqualified landholders, passed on the 15th July, 1791, liable to sale for any arrears which have accrued, or may accrue, on the fixed jumma that has been, or may be assessed upon their lands under the above-mentioned Regulations for the decennial settlement; provided that such arrears have accrued, or may accrue, during the time that they have been, or may be dispossessed of the management of their lands, under the said Regulations of the 15th July, 1791. It is to be understood, however, that whenever all or any of the descriptions of disqualified landholders, specified in the first article of the last-mentioned Regulations, shall be permitted to assume or retain the management of their lands, in consequence of the ground of their disqualification no longer existing, or of the Governor-General in Council dispensing with, altering, or abolishing those Regulations, the lands of such proprietors will be held responsible for the payment of the fixed jumma that has been or may be assessed thereon, from the time that the management may devolve upon them, in the same manner as the lands of all actual proprietors of land who are declared qualified for the manage- See Sec. x. Act I. 1845.

ment of their estates, and also of all actual proprietors who are unqualified for such management, by natural or other disabilities, but do not come within the descriptions of disqualified landholders specified in the first article of the Regulations of the 15th July, 1791, are, and will be held answerable for any arrears that are, or may become due from them, on the fixed jumma which they, or any persons on their behalf, have engaged, or may engage to pay, under the above-mentioned Regulations, for the decennial settlement.

Proprietors declared privileged to transfer their lands without the sanction of Government.

IX. Art. VIII. That no doubt may be entertained, whether proprietors of land are entitled, under the existing Regulations, to dispose of their estates without the previous sanction of Government, the Governor-General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, that they are privileged to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights in the whole, or any portion of their respective estates, without applying to Government for its sanction to the transfer, and that all such transfers will be held valid, provided that they be conformable to the Mahommedan or the Hindoo laws (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any Regulations, now in force, which have been passed by the British administrations, or to any Regulations that they may hereafter enact.

See Sec. vi. Reg. XI. 1793.

Provided the transfer be conformable to law, and not contrary to any existing Regulation.

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the collector, or other prescribed officer, and the jumma so adjusted declared fixed for ever.

*X. Art. IX. From the limitation of the public demand upon the lands, the net income, and consequently the value (independent of increase of rent obtainable by improvements) of any landed property, for the assessment on which a distinct engagement has been, or may be entered into between Government and the proprietor, or that may be separately assessed, although included in one engagement with other estates belonging to the same proprietor, and which may be offered for public or private sale entire, will always be ascertainable by a comparison of the amount of the fixed jumma assessed upon it (which, agreeable to the foregoing declarations, is to remain unalterable for ever, to whomsoever the property may be transferred), with the whole of its produce,† allowing for the charges of management. But it is also essential that a notification should be made of the principles upon which the fixed assessment charged upon any such estate will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one, or in two or more lots, or of its being joint property, and a division of it being made amongst the proprietors; otherwise from the want of a declared rule for estimating the proportion of the fixed jumma with which the several shares would be chargeable in such cases, the real value of each share would be uncertain, and consequently the benefits expected to result from fixing the public assessment upon the lands would be but partially obtained. The Governor-General in Council has accordingly prescribed the following rules for apportioning the fixed assessment in the several cases above mentioned; but as Government

See Sec. xiv. Reg. I. 1801; Sec. iii. Reg. XVIII. 1812.

† Defined in Sec. viii. Reg. I. 1801.

* So much of this and the following section as relates to the adjustment of the jumma on lands sold in satisfaction of decrees is repealed by Section i. Act IV. 1846.

might sustain a considerable loss of revenue by disproportionate allotments of the assessment, were the apportioning of it, in any of the cases above specified, to be left to the proprietors, he requires, that all such transfers or divisions as may be made by the private act of the parties themselves be notified to the collector of the revenue of the zillah in which the lands may be situated, or such other officer as Government may in future prescribe, in order that the fixed jumma, assessed upon the whole estate, may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered upon the public registers, and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who will thenceforward be considered as actual proprietors of land. And the Governor-General in Council declares, that if the parties to such transfers or divisions shall omit to notify them to the collector of the revenue of the zillah, or such other officer as may be hereafter prescribed, for the purposes before mentioned, the whole of such estate will be held responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place.

But the transfer of dependent talooks not to affect the rights or claims of Government in any respect.

The Governor-General in Council thinks it necessary further to notify, in elucidation of the declarations contained in this article (which are conformable to the principles of the existing Regulations), that if any zemindar, independent talookdar, or other actual proprietor of land, shall dispose of a portion of his or her lands as a dependent talook, the jumma which may be stipulated to be paid by the dependent talookdar will not be entered upon the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear from any cause whatever, nor will it be allowed, in any case, to affect the rights or claims of Government, any more than if it had never taken place.

First. In the event of the whole of the lands of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be concluded, under the Regulations above mentioned, being exposed to public sale by the order of the Governor-General in Council, for the discharge of arrears of assessment, *or in consequence of the decision of a court of justice,* in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands sold may bear to the whole of their actual produce. This produce shall be ascertained in the mode that is, or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter adopt, and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so purchased, for ever.

Second. When a portion of the lands of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be concluded, under the Regulations before mentioned, shall be exposed to public sale, by order of the Governor-

General in Council, for the liquidation of arrears of assessment, *or pursuant to the decision of a court of justice*, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one, or in two or more lots, shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter enact, and the purchaser or purchasers of such lands, and his, or her, or their heirs or successors, will be allowed to hold them at the jumma at which they may be so purchased for ever; and the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate, on account of the portion of it that may be left in his or her possession, will continue unalterable for ever.

Third. When a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate, so transferred, shall be fixed at an amount which shall bear the same proportion to its actual produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed in the existing Regulations, or such other Regulations as Government may hereafter adopt, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so transferred, for ever: and where only a portion of such estates shall be transferred, the remainder of the public jumma which will consequently be payable by the former proprietor of the whole estates on account of the lands that may remain in his or her possession, shall be continued unalterable for ever.

Fourth. Whenever a division shall be made of lands, the settlement of which has been, or may be concluded with or on behalf of the proprietor or proprietors, and that are, or may become the joint property of two or more persons, the assessment upon each share shall be fixed at an amount which shall bear the same proportion to its actual produce as the fixed jumma assessed upon the whole of the estate divided may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is, or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter adopt, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them, for ever.

Rules for adjusting the jumma of lands held khas, or let in farm, in the event of the whole or any part of them being disposed of by public sale or private transfer, or divided amongst the proprietors, and the jumma so adjusted declared fixed for ever.

XI. Art. X.* The following rules are prescribed respecting the adjustment of the assessment on the lands of zemindars, independent talookdars, and other actual proprietors of land, whose lands are or may be held khas or let in farm, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.

First. If the whole, or a portion of the lands of a zemindar, independent talookdar, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her under the Regulations above mentioned, and whose lands are, or may be held khas, or let in farm, shall be exposed to public sale, in one, or in two or more lots (*pursuant to the decree of a court of justice*), such lands, if khas, shall be disposed of at whatever assessment the Governor-General in Council may deem equitable, and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold the lands, at the assessment at which they may be so purchased, for ever. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one, or in two or more lots, they shall be disposed of under the following conditions:—The purchaser or purchasers shall receive, during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive, in virtue of his or her proprietary rights, on account of the lands so purchased, and such purchaser or purchasers shall engage to pay, at the expiration of the lease of the farmer, such assessment on account of the lands as Government may deem equitable. The sum to be received by the purchaser or purchasers during the unexpired part of the term of the lease of the farmer, and the jumma to be paid by such purchaser or purchasers after the expiration of the lease, shall be specified at the time of the sale, and such purchaser or purchasers, and his, or her, or their heirs and lawful successors, shall be allowed to hold the lands at the assessment at which they may be so purchased, for ever.

Second. If a zemindar, independent talookdar, or other actual proprietor of land, whose lands are or may be held khas, or let in farm, shall transfer by private sale, gift, or otherwise, the whole or a portion of his or her lands in one, or in two or more lots, the person or persons to whom the lands may be so transferred, shall be entitled to receive from Government (if the lands are held khas), or from the farmer (if the lands are let in farm), the maliconnah to which the former proprietor was entitled on account of the lands so transferred. Persons to whom such lands may be so transferred will stand in the same predicament as the zemindars, independent talookdars, or other actual proprietors of land mentioned in the fourth article, whose lands are held khas, or have been let in farm, in consequence of their refusing to pay the assessment required of them under the before-mentioned Regulations for the decennial settlement; and the declarations contained in that article are to be held applicable to them.

Third. In the event of a division being made of lands that are, or may become, the joint property of two or more persons, and which are, or may be held khas or let in farm, the proprietors of the several shares will stand

* See note on Section X.

in the same predicament, with regard to their respective shares, as the zemindars, independent talookdars, and other actual proprietors of land specified in the fourth article, whose lands have been let in farm, or are held khas, in consequence of their having refused to pay the assessment required of them under the before-mentioned Regulations for the decennial settlement; and the declarations contained in that article are to be considered applicable to them.

A.D. 1793. REGULATION II.

Reg. II. 1793.

A REGULATION *for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the Suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing Rules for the conduct of the Board of Revenue and the Collectors:* PASSED *by the Governor-General in Council on the* 1*st May,* 1793.

I. IN the British territories in Bengal, the greater part of the materials required for the numerous and valuable manufactures, and most of the other principal articles of export, are the produce of the lands: it follows, that the commerce, and consequently the wealth of the country, must increase in proportion to the extension of its agriculture. But it is not for commercial purposes alone that the encouragement of agriculture is essential to the welfare of these provinces. The Hindoos, who form the body of the people, are compelled, by the dictates of religion, to depend solely upon the produce of the lands for subsistence; and the generality of such of the lower orders of the natives as are not of that persuasion, are, from habit or necessity, in a similar predicament. The extensive failure or destruction of the crops that occasionally arises from drought or inundation, is in consequence invariably followed by famine, the ravages of which are felt chiefly by the cultivators of the soil and the manufacturers, from whose labours the country derives both its subsistence and wealth. Experience having evinced that adequate supplies of grain are not obtainable from abroad in seasons of scarcity, the country must necessarily continue subject to these calamities, until the proprietors and cultivators of the lands shall have the means of increasing the number of the reservoirs, embankments, and other artificial works, by which, to a great degree, the untimely cessation of the periodical rains may be provided against, and the lands protected from inundation; and as a necessary consequence, the stock of grain in the country at large shall always be sufficient to supply those occasional, but less extensive deficiencies in the annual produce, which may be expected to occur, notwithstanding the adoption of the above precautions to obviate them. To effect these improvements in agriculture, which must necessarily be followed by the increase of every article of produce, has accordingly been one of the primary objects to which the attention of the British Administration has

been directed, in its arrangements for the internal government of these provinces. As being the two fundamental measures essential to the attainment of it, the property in the soil has been declared to be vested in the landholders, and the revenue payable to Government from each estate has been fixed for ever. These measures have at once rendered it the interest of the proprietors to improve their estates, and given them the means of raising the funds necessary for that purpose. The property in the soil was never before formally declared to be vested in the landholders, nor were they allowed to transfer such rights as they did possess, or raise money upon the credit of their tenures, without the previous sanction of Government. With respect to the public demand upon each estate, it was liable to annual or frequent variation at the discretion of Government. The amount of it was fixed upon an estimate formed by the public officers of the aggregate of the rents payable by the ryots or tenants for each begah of land in cultivation, of which, after deducting the expenses of collection, ten-elevenths were usually considered as the right of the public, and the remainder the share of the landholder. Refusal to pay the sum required of him was followed by his removal from the management of his lands, and the public dues were either let in farm or collected by an officer of Government, and the above-mentioned share of the landholder, or such sum as special custom, or the orders of Government might have fixed, was paid to him by the farmer or from the public treasury. When the extension of cultivation was productive only of a heavier assessment, and even the possession of the property was uncertain, the hereditary landholder had little inducement to improve his estate, and monied men had no encouragement to embark their capital in the purchase or improvement of land, whilst not only the profit, but the security for the capital itself was so precarious. The same causes, therefore, which prevented the improvement of land, depreciated its value. Further measures, however, are essential to the attainment of the important object above stated. All questions between Government and the landholders respecting the assessment and collection of the public revenue, and disputed claims between the latter and their ryots, or other persons concerned in the collection of their rents, have hitherto been cognizable in the courts of Maal Adawlut, or revenue courts. The collectors of the revenue preside in these courts as judges, and an appeal lies from their decision to the Board of Revenue, and from the decrees of that board to the Governor-General in Council in the department of revenue. The proprietors can never consider the privileges which have been conferred upon them as secure, whilst the revenue officers are vested with these judicial powers. Exclusive of the objections arising to these courts from their irregular, summary, and often *ex-parte* proceedings, and from the collectors being obliged to suspend the exercise of their judicial functions whenever they interfere with their financial duties, it is obvious, that if the Regulations for assessing and collecting the public revenue are infringed, the revenue officers themselves must be the aggressors, and that individuals who have been wronged by them in one capacity, can never hope to obtain redress from them in another. Their financial occupations equally disqualify them for administering the laws between the proprietors of land and their tenants. Other security, therefore, must be given to landed property and to the rights attached to it, before the desired improvements in agriculture

can be expected to be effected. Government must divest itself of the power of infringing, in its executive capacity, the rights and privileges which, as exercising the legislative authority, it has conferred on the landholders. The revenue officers must be deprived of their judicial powers. All financial claims of the public, when disputed under the Regulations, must be subjected to the cognizance of courts of judicature, superintended by judges who, from their official situations and the nature of their trusts, shall not only be wholly uninterested in the result of their decisions, but bound to decide impartially between the public and the proprietors of land, and also between the latter and their tenants. The collectors of the revenue must not only be divested of the power of deciding upon their own acts, but rendered amenable for them to the courts of judicature, and collect the public dues subject to a personal prosecution for every exaction exceeding the amount which they are authorized to demand on behalf of the public, and for every deviation from the Regulations prescribed for the collection of it. No power will then exist in the country, by which the rights vested in the landholders by the Regulations can be infringed or the value of landed property affected. Land must, in consequence, become the most desirable of all property, and the industry of the people will be directed to those improvements in agriculture, which are as essential to their own welfare as to the prosperity of the state. The following rules, being the rules passed for the guidance of the collectors and the Board of Revenue, on the 8th June, 1787, and the 25th April, 1788, with alterations adapted to the principles above stated, have been accordingly enacted.

Courts of Maal Adawlut abolished from the 1st May, 1793, and the cognizance of causes tried therein transferred to the courts of Dewanny Adawlut.

See Reg. VII. 1822.

II. From the 1st May, 1793, the courts of Maal Adawlut, or revenue courts, shall be abolished, and the trial of the suits which were cognizable in those courts, as well as all judicial powers whatsoever heretofore vested in the collectors of the revenue or in the Board of Revenue collectively, as a court of appeal, or in any member of that board individually, shall be transferred to the courts of Dewanny Adawlut.

Collection of the land revenue to be committed to civil covenanted servants of the Company.

Oath to be taken by collectors.

Modified by Sec. XIV.; and see Sec. XXVI. Reg. V. 1804. See Act XXI. 1837.

III. The collection of the revenue payable to Government from the estates in each zillah is to be committed, as heretofore, to a civil covenanted servant of the Company, who is to be styled collector of the revenue of the zillah to which he may be appointed. Previous to entering upon the execution of the duties of his office, he is to take the oath prescribed by Act of Parliament for servants of the Company employed in the management or collection of the revenue, before one of the judges of the Supreme Court of Judicature.

Collectors to correspond with and obey all orders from the Board of Revenue.

IV. The collectors are to correspond with the Board of Revenue, and to conform to all instructions with which they have been furnished by that board, and that are or may not be altered or revoked by this or any other Regulation published in the manner directed in Regulation XLI. 1793, and also to all instructions which the Board of Revenue may hereafter transmit to them.

Seals of the collectors.

V. The collectors of the several zillahs are to use a circular seal, one inch and a half in diameter. The seals of the collectors in Bengal and

Orissa are to bear an inscription to the following effect, in the Bengal and Persian characters and languages, and the seals of the collectors in Behar a similar inscription, in the Persian character and language, and the Hindostanny language and Nageree character: "The seal of the collector of the zillah of ....."

Collectors to keep an attested diary of their official transactions.

VI. The collectors are to keep a regular diary of their official transactions, either in the English, Persian, or Bengal language, recording and attesting them with their official signature at the time they may take place.

See Reg. XXIX. 1837.

Duties to be performed by the collectors under the superintendence of the Board of Revenue.

VII. The duties prescribed in the following section are to be performed by the collectors under the superintendence of the Board of Revenue.

To collect the public dues from proprietors,

VIII. *First.* To collect the amount of the fixed revenue assessed upon the lands of the zemindars, independent talookdars, or other actual proprietors of land, with or on behalf of whom a settlement has been or may be concluded.

and farmers of land,

Second. To collect the stipulated annual revenue from the farmers of estates let in farm.

and from lands held khas.

Third. To levy the rents and revenue from estates held khas.

To make the future settlement of farmed or khas lands.

Fourth. To make the future settlement of khas, or farmed estates, agreeably to the regulations and instructions which they may receive for that purpose.

To prosecute for the public dues from lands illegally held exempt from the payment of revenue.

Fifth. To prosecute for the recovery of the dues of Government from lands, of whatever description, held exempt from the payment of revenue under illegal or invalid tenures.

To pay the zemindary pensions included in the public jumma, and the sayer pensions and compensations.

Sixth. To pay the pensions and allowances included in the public revenue, and the pensions and compensations granted in consequence of the abolition of the sayer.

See Reg. VI. 1811.

To execute the orders of the Court of Wards.

Seventh. To execute the instructions which may be issued to them by the Court of Wards, regarding disqualified landholders and their estates.

To superintend the division of estates.

Eighth. To superintend the division of landed property paying revenue to Government, which may be ordered to be divided into two or more distinct estates.

To apportion the jumma on lands disposed of at public sale.

Ninth. To apportion the public revenue on lands ordered to be disposed of at public sale for the discharge of arrears of revenue.

To collect the tax on spirituous liquors or intoxicating drugs or articles.

Tenth. To collect the tax on spirituous liquors and intoxicating drugs or articles.

To procure lands for native invalid soldiers.

Eleventh. [*To procure lands for the native invalid soldiers, who may accept of a provision in land*].

Superseded by Reg. II. 1811.

To collect the police tax.

Twelfth. [*To collect the tax for defraying the expense of the police*].

Superseded by Sec. i. Reg. VI. 1797.

To perform the above, and all other duties, according to the Regulations.

Thirteenth. To perform the above, and all other duties, according to the rules that have been or may be prescribed to them, by any Regulation published in the manner directed in Regulation XLI. 1793.

To furnish the required annual and other accounts.

Fourteenth. To transmit such annual, monthly, or other accounts as they now furnish, or may be hereafter required to send by the Board of Revenue, or any officer under that board empowered to require such accounts.

Fifteenth. To conform to all special orders that have been or may be issued to them by the Board of Revenue, or by public officers empowered to issue such orders.

To conform to all special orders from the Board of Revenue or public officers.

IX. [*The dewan, and*]* all native officers under the collector, are to act agreeably to his orders and such rules as he may prescribe. They are not to perform any act of authority without his sanction or authority, under pain of being fined in a sum not exceeding six months' salary, or of being dismissed from their offices by the collector, the Board of Revenue, or the Governor-General in Council, and also of being sued in the court of judicature for damages by any person who may consider himself aggrieved by such unauthorized act.

Dewan and native officers to obey the orders of the collector.

Not to perform any official act without his sanction.

Penalty.

See Reg. XXI. 1814.

X. The collectors are prohibited from employing, directly or indirectly, their private servants, whether banyans or others, in the discharge of any part of their public duties, it being required that, in all matters relating to the trust committed to them, they act as the only empowered agents of Government. This prohibition, however, is not meant to restrict them from occasionally employing their assistants [*or dewans*],* or their inferior public servants, in the cases, and in the manner in which they are authorized to make use of their agency.

Collectors not to employ their private servants in public matters.

This prohibition not to prevent their employing their public officers in the manner authorized.

XI. The khezanchee, or native cash-keeper in each zillah, is to be nominated by the collector, who is to take good and sufficient security from him for the faithful discharge of his trust, and for making good all deficiencies in the public money that may be committed to his charge. The collector is to transmit the names of the person whom he may nominate to the office of Khezanchee, and of his surety, with a copy of the engagement, executed by the latter, to the Board of Revenue; but the person so nominated shall not be considered as appointed until the Board of Revenue shall have signified their approbation both of him and his surety. The native cash-keeper so appointed shall not be removed but for misconduct, or other sufficient cause, proved to the satisfaction of the Board of Revenue; and he and the collector shall be held jointly and severally responsible to Government for the public money committed to their charge.

Rules respecting the appointment and removal of native cash-keepers.

XII. All issues from the treasuries of the collectors are to be made under a warrant signed by the collector, and sealed with the seal of the zillah, (*and countersigned by the* [*dewan*],* *who shall write under his signature the sum for which the warrant may be granted*). The native cash-keeper is prohibited paying any money without such written authority, under the penalty of being made responsible for it should the payment be afterwards found to have been unduly made. These warrants are to be numbered, and a register of them is to be kept in the current language of the country by the keepers of the native records, who are to attest, by their respective signatures on the face of the warrant, that it has been duly registered.

Form to be observed in issuing public money.

* The office of dewan was abolished by Reg. XV. 1813.

Appointment and removal of all native servants vested in the collector

Exceptions.

To notify all appointments and removals to the Board of Revenue.

Public and registered officers only to be employed in public matters.

XIII. [*The appointment and dismission of all native public servants on the establishments of the collectorships (the keepers of the native records and the khezanchee excepted) are vested in the collectors.*] But they are to transmit to the Board of Revenue regular notice of all appointments and removals, and are to employ none but such public and registered officers in matters in any respect relating to their official duty, and are not, under any plea or pretext, to confer on their public officers any private trust relating to their personal concerns.

Rescinded by Sec. iii. Reg V. 1804.

In the absence of the collector, the senior assistant to officiate in his room.

XIV. In the event of the death or removal of a collector, or of his absence from his station, the senior assistant on the spot is to perform the duties of collector, [*and the dewan*]* and the public officers of the collectorship are accordingly to obey his orders.

Collectors and their officers prohibited being concerned extra-officially in the revenues.

Native officers, &c., prohibited purchasing lands at public sale in the zillah.

XV. No collector, assistant, [*or dewan*]* to a collector, or any native in the employ of a collector or of an assistant, shall hold, directly or indirectly, any farm, or be concerned on their private account in the collection or payment of the revenue of any lands in the zillah, either as farmer, surety, or otherwise; and native officers and private servants and dependants of collectors and assistants are prohibited from purchasing, directly or indirectly, any land that the collector may dispose of at public sale, under the penalty of forfeiting the property to Government, upon proof being made, to the satisfaction of the Governor-General in Council, of the property having been so purchased.

This rule not to preclude such native officers or servants from making bonâ fide purchases of land at private sale.

XVI. The rules in the preceding section, however, are not to be considered to prohibit a [*dewan* or other*] native officer of a collector, or any private servant of a collector or of an assistant, from purchasing bonâ fide the proprietary right in lands situated in the zillah, by private sale.

Collectors not *to give lands in farm to Europeans, or* to accept their security for farmers, talookdars, or ryots.

XVII. No collector shall [*give land in farm to a European, directly or indirectly, or*] accept the security of a European for any farmer, dependent talookdar, or ryot.

Rescinded by Act IV. 1837.

Collectors, assistants, *and dewans*, prohibited from trading

This prohibition, with regard to collectors and their assistants, to extend to the purchase of goods for remitting money to Europe.

XVIII. No collector, assistant, [*or dewan,*]* shall, directly or indirectly, carry on any trade, or be concerned in any commercial transaction whatever. This prohibition, with regard to collectors and their assistants, is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe.

Dewans of the collectors prohibited lending money to proprietors of land, &c

Such prohibited loans not recoverable in any court of judicature.

XIX.* *The dewans of the collectors are prohibited lending money, directly or indirectly, to any proprietor or farmer of land, dependent talookdar, under-farmer, or ryot. Loans made in opposition to this rule shall not be recoverable in any court of judicature.*

Collectors to keep complete, and preserve, the public records.

XX. The collectors are to be careful that the accounts and records of their respective zillahs are kept complete and duly preserved.

* The office of dewan was abolished by Reg. XV. 1813.

XXI. To render the several zillahs as compact as possible, the collectors are to report every instance in which lands included in their respective zillahs may be circumscribed by any other zillah, and also where lands included in other zillahs are circumscribed by their own zillahs, in order that such lands may be annexed to the zillah by which they are circumscribed. The collectors are also to send information to the Board of Revenue of any parts of their zillahs which may be intersected by the rivers Ganges, Megna, or Berampootre.

Rules for rendering the zillahs compact.

XXII. The collectors are not to employ sepoys in the collection of the public revenue.

Sepoys not to be employed in the collection of the revenue.

XXIII. Collectors are not to advance money on account of tuccavy, without the express sanction of the Board of Revenue.

Collectors not to make advances of tuccavy without the orders of the Board of Revenue.

XXIV. The collectors are prohibited deputing any person into the zillah of any other collector, or exercising any authority beyond the limits of their respective zillahs, excepting in cases in which they may be authorized so to do by a Regulation published in the manner directed in Regulation XLI. 1793, or by special orders from a competent authority.

Collectors not to exercise any authority beyond the limits of their respective zillahs without general or special orders.

XXV. The collectors are to give monthly receipts for all payments of revenue into their treasuries, specifying the date or dates on which the money may be received, and the species of rupee in which each payment may be made. The keepers of the native records are to keep a register of these receipts regularly numbered. After having registered the receipts, they are to attest on the face of them the date on which they may be registered. A copy of this register is to be transmitted monthly to the Board of Revenue, or as often as that board may require. A similar register of receipts is to be kept by all tehsildars, sezawuls, or other native officers intrusted with the immediate collection of the public revenue, and a copy of it is to be transmitted to the collector monthly, or as often as he may require.

Rule with regard to receipts.

XXVI. The monthly, or other receipts, for salaries, pensions, or allowances, of whatever kind, which may be paid by the collectors, are to be deposited amongst the public records of their respective zillahs, and a register of them is to be kept by the keepers of the native records. A copy of the register is to be transmitted annually to the Board of Revenue.

Monthly receipts for salaries, &c. to be deposited amongst the public records and registered.

Copy of the register to be sent annually to the Board of Revenue.

XXVII. To prevent loss of revenue or confusion in accounts from the resignation or removal of collectors, no collector is to be permitted to depart from his station, until he shall have either delivered over complete charge of his trust to his successor or to his assistant, and until notification shall have been made to the Board of Revenue of his having complied with this rule, and their sanction shall have been obtained for his departure. This rule shall on no account be dispensed with, unless by special permission from the Board of Revenue, which is to be granted only in particular cases that may appear to them to require it.

Collectors resigning or removed, not to quit their station until they have made over complete charge of their trust, and obtained the sanction of the Board of Revenue to their departure.

XXVIII., XXIX. [Collectors to be subordinate to a Board of Revenue—its constitution.]—*Rescinded by Clause* 1, *Sec. ii. Reg. III.* 1822.

To see that the officers under them duly perform their duties.

To punish them for disobedience of public regulations;

reporting the circumstances to the Governor-General in Council.

XXX. The board are to be careful that the officers under their authority perform their assigned duties with regularity, integrity, and assiduity; and they are required to punish the officers under them, as far as the power vested in them for the purpose may allow, for disobedience or inattention to any Regulation printed and published in the manner directed in Regulation XLI. 1793, or to any special orders, and to report every such occurrence to the Governor-General in Council.

Powers vested in the Board of Revenue to inquire into and punish offences committed by officers subject to their authority.

To summon him to the presidency, or to suspend him from his office.

To fine him.

Such inquiry and punishment not to exempt the officer from being sued in a court of judicature by individuals who may have been injured by his misconduct.

XXXI. *First.* To enable them to control their officers with effect, they are invested with the following powers for the investigation and punishment of offences committed by any officer subject to their authority, according to their nature and extent.

Second. To summon him to the presidency to explain and justify his conduct, and to suspend him from his office, reporting to the Governor-General in Council every instance in which they may exercise these powers.

Third. To impose a fine upon him, not exceeding the amount of his salary for one month.

Fourth. It is to be understood, however, that any inquiry which the Board of Revenue may make into the misconduct of any officer subject to their authority, or any fine that they may impose upon him, or order which they may pass respecting him, is not to preclude persons who may have been injured by him, from suing him for the injury in any court of judicature to which he may be amenable.

Rules regarding deputations, the allowances of the persons deputed, and defraying the expense.

XXXII. Deputations ordered by the Board of Revenue are to be immediately reported to the Governor-General in Council, with the grounds on which they may have been ordered: and in all instances admitting of a limitation for completing the business of the deputation, a time is to be fixed for the performance of it, beyond which the person deputed is to receive no allowance or compensation, without explaining the cause of the delay to the full satisfaction of the board.

Cases in which the Board of Revenue may require the personal attendance of natives.

XXXIII. The Board of Revenue are empowered to require the personal attendance of any proprietor or farmer of land, or any dependent talookdar, under-farmer, or ryot, or any native officer employed under a collector, for the purpose of adjusting any settlement, or examining any accounts, or inquiring into any matter coming within their cognizance, provided the personal attendance of the party shall appear to them indispensably necessary. In such cases, the board are to direct the collector to serve such person with a written notice under his official seal and signature, specifying the business on account of which his attendance is judged necessary, and requiring him to attend the board by such period as they may limit, under pain of being subject to such daily fine until he attends, or shows satisfactory cause for his non-attendance, as the board may think proper to impose. The board are empowered to fine such persons neglecting to appear by the time required, in such amount as may appear to them proper upon a consideration of the case, and the situation and

circumstances in life of the party, and the amount of the fine shall be levied by the collector, by the process prescribed for the recovery of arrears of revenue. But the Board of Revenue are prohibited requiring the personal attendance of any person in cases in which the business can be transacted by a vakeel.

XXXIV., XXXV. [Execution of board's orders—Power of members.] —*Rescinded by Clause* 1, *Sec. II. Reg. III.* 1822.

XXXVI. The Board of Revenue are empowered to issue orders to their subordinate officers for making the settlement of lands that are or may be khas, in conformity to the Regulations, and any special instructions which may be prescribed to them by the Governor-General in Council.

Board of Revenue empowered to issue orders to their subordinate officers for forming the settlement of lands held khas.

XXXVII. In all cases of a settlement being made with or on behalf of zemindars, independent talookdars, or other actual proprietors of land, their lands are to be deemed sufficient security for the payment of the revenue. But where lands are let in farm, a malzamin, or surety for the punctual discharge of the revenue, is to be invariably required.

Security for the payment of the revenue not to be demanded from proprietors, but to be required in all cases from farmers.

XXXVIII. No remissions upon the settlement of a preceding year, nor any remissions whatsoever, are to be granted by the board without the sanction of the Governor-General in Council.

Remissions not to be granted without the sanction of the Governor-General in Council.

See Reg. XIII. 1811, & Sec. iv. Reg. XXIV. 1817.

XXXIX. It is to be observed as a general principle, that the settlement of lands that are or may be khas is to be made by the collectors under the regulations and the instructions of the Board of Revenue. But if the board should deem a special deputation of one of their members, or of any other person, necessary to form the settlement of any such lands, they are to propose the measure to the Governor-General in Council, with their reasons for recommending it.

Settlements to be made by the Collectors.

XL. Upon a settlement being concluded with any proprietor or farmer, conformably to the Regulations, the Board of Revenue are to issue the usual bundobusty perwannah to the proprietor or farmer, without applying to the Governor-General in Council for his sanction for that purpose.

Upon a settlement being concluded, the Board of Revenue to issue the usual bundobusty perwannahs without reference to the Governor-General in Council.

XLI. The collection of the revenue is committed to the collectors; but the Board of Revenue are to see that the revenues are realized by the stipulated periods, or that solid and satisfactory reasons are assigned by the collectors for any delay or deficiency. The power of coercion over the proprietors and farmers of land is also vested in the collectors, as prescribed in Regulation XIV. 1793.

Revenue to be levied by the collectors.

Board of Revenue to see that it is punctually collected, or that satisfactory reasons are assigned for the arrears.

Process for the recovery of arrears to be issued by the collectors only.

See Cl. 7, Sec. xxiii. Reg. VII. 1799.

XLII. The board are authorized to grant temporary suspensions of the demands of revenue whenever it may appear to them indispensably necessary, reporting the sum suspended, without delay, to the Governor-General in Council, with their reasons for the measure. But they are not to grant any suspensions beyond the current year.

Board empowered to grant temporary suspensions.

Period for the payment of the sum suspended not to be extended beyond the year in which it may be granted.

Remissions of balances not to be granted without the special sanction of the Governor-General in Council.

XLIII. No remissions of balances are to be granted without the special authority of the Governor-General in Council. See Cl. 7, Sec. xxiii. Reg. VII 1799.

Board of Revenue empowered to advance tuccavy under restrictions herein specified.

XLIV. They are also authorized to grant advances of tuccavy to proprietors or farmers of land, where it shall appear essentially necessary, in proportions not exceeding five per cent. on the revenue payable from the lands to Government, reporting all such instances to the Governor-General in Council. Where a larger sum may be required, his sanction must be previously obtained. The interest to be taken on such advances is to be one per cent. per mensem.

Board of Revenue to furnish the Governor-General in Council with the accounts required of them

XLV. The Board of Revenue are to furnish the Governor-General in Council with such annual, monthly, or other accounts, as they now are or may be required to submit to him. They are likewise to observe all special orders which they have received, or may receive from the Governor-General in Council. See Sec xxxi. Reg VII 1799

Prohibitions to be observed by the Board of Revenue.

XLVI. The Board of Revenue, collectively and individually, are prohibited from being concerned, directly or indirectly, in trade or commerce (which prohibition is to be understood to extend to the purchase of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe), or in any house of agency, or in the direction or management of any bank, or in any transactions for borrowing money with any native revenue officer, or any person responsible for the collection or payment of the public revenue. They are likewise prohibited, without obtaining the previous sanction of the Governor-General for that purpose, [*giving land in farm to any European, directly or indirectly, or*] accepting the security of a European for any farmer, dependent talookdar, or ryot, or granting, or confirming any grant of malguzarry or lakheraj land,* or confirming the succession of any person to such lands, or continuing the pension of any deceased officer or pensioner to his family,† or making any new general rule whatever. Rescinded by Act IV. 1837

Board to transmit to the Governor-General in Council written acknowledgments for places restored to foreign powers

XLVII. The Board of Revenue are to transmit to the Governor-General in Council all original acknowledgments which may be delivered to them for places that they may be directed to restore to foreign nations.

To cause separate accounts to be kept of expenses incurred in reducing rebellious zemindars or others

XLVIII. The board are to cause separate accounts to be kept of all expenses incurred in reducing rebellious zemindars, or other persons, with a view of obtaining reimbursement from the offenders.

XLIX. to LXX. [Rules for conducting the business of the Board of Revenue, and powers of the president.]—*Rescinded by Clause* 1, *Sec. II. Reg. III.* 1822.

* See Section xxi. Reg. II. 1819

† See Section vii. Reg. XXII. 1806.

A.D. 1793. REGULATION III.

A REGULATION *for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the Trial of Civil Suits in the first Instance, established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad:* PASSED *by the Governor-General in Council on the* 1*st May*, 1793.

I. THE many valuable privileges and immunities which have been conferred upon the natives of these provinces evince the solicitude of the British Government to promote their welfare, and must satisfy them that the Regulations which may be adopted for the internal government of the country will be calculated to preserve to them the laws of the Shaster and the Koran in matters to which they have been invariably applied, to protect them in the free exercise of their religion, and to afford security to their persons and property. The benefit, however, which they would derive solely from Regulations enacted for the above purposes would be but partial, unless the judicial establishments for dispensing those Regulations are framed upon principles which will render them the means of protecting private rights and property, under the changes and temporary derangements to which all forms of government must occasionally be liable. To ensure, therefore, to the people of this country, as far as is practicable, the uninterrupted enjoyment of the inestimable benefit of good laws duly administered, Government has determined to divest itself of the power of interfering in the administration of the laws and Regulations in the first instance, reserving only, as a court of appeal or review, the decision of certain cases in the last resort; and to lodge its judicial authority in courts of justice, the judges of which shall not only be bound by the most solemn oaths to dispense the laws and Regulations impartially, but be so circumstanced as to have no plea for not discharging their high and important trusts with diligence and uprightness. They have resolved that the authority of the laws and Regulations so lodged in the courts shall extend not only to all suits between native individuals, but that the officers of Government employed in the collection of the revenue, the provision of the Company's investment, and all other financial or commercial concerns of the public, shall be amenable to the courts for acts done in their official capacity in opposition to the Regulations: and that Government itself, in superintending these various branches of the resources of the state, may be precluded from injuring private property, they have determined to submit the claims and interests of the public in such matters, to be decided by the courts of justice according to the Regulations, in the same manner as suits between individuals. To deprive the judges of the courts of the power of delaying or denying justice, the Governor-General in Council has determined to frame the constitution of the courts upon such principles as will enable every individual, by the mere observance of certain forms, to command at all times the exercise of the judicial power of the state thus lodged in the courts, for the redress of any injury which he may have sustained in his person or property. A system for the administration of the laws and Regulations so constituted, will contain an active principle

which, allowing for the various characters and dispositions of those who may be employed in the immediate conduct of it, must continually operate to the important ends of compelling men to be just in their dealings; bringing into action that spirit of industry which is implanted in mankind, and which exerts itself in proportion as individuals are certain of enjoying the fruits of it, dispensing prosperity and happiness to the great body of the people, and increasing the power of the state, which must be proportionate to the collective wealth that by good government it may enable its subjects to acquire. As the basis of this system for the administration of justice, the Governor-General in Council has lodged the powers specified in this Regulation in the Courts of Dewanny Adawlut established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad, for the trial of civil suits in the first instance.

Courts of Dewanny Adawlut to be denominated after the zillah or city in which they are respectively established.

II.* The Courts of Dewanny Adawlut, or courts of judicature for the trial of civil suits *in the first instance*, established in the several zillahs in the provinces of Bengal, Behar, and Orissa, and in the cities of Patna, *Dacca*, and Moorshedabad, are to be denominated after the zillah or the city in which they are respectively established as follows:

The Court of Dewanny Adawlut established in the zillah of	Nuddea, Beerbhoom, Burdwan,* Midnapore, Twenty-four Purgunnahs,† Jessore, *Moorshedabad*,‡ Boglepore, Rajeshahee, Purneah, Dinagepore, Rungpore, Cooch Behar, Sylhet, Dacca Jelalpore,§ Momensing, Tipperah, Chittagong, Behar Proper, Shahabad, Sarun, Tirhoot, *Ramgur*,‖	is to be denominated the Court of Dewanny Adawlut for the zillah of	Nuddea. Beerbhoom. Burdwan. Midnapore. Twenty-four Purgunnahs. Jessore. *Moorshedabad.* Boglepore. Rajeshahee. Purneah. Dinagepore. Rungpore. Cooch Behar. Sylhet. Dacca Jelalpore. Momensing. Tipperah. Chittagong. Behar Proper. Shahabad. Sarun. Tirhoot. *Ramgur.*	* See Sec. vii. Reg. XXXVI. 1795. † See Reg. VIII. 1832. ‡ See Reg. I. 1806. § See Reg. V. 1833. ‖ See Reg. XIII. 1833.
The Court of Dewanny Adawlut established in the city of	Moorshedabad, *Dacca*,¶ Patna,	is to be denominated the Court of Dewanny Adawlut for the city of	Moorshedabad. *Dacca.* Patna.	¶ See Reg. V. 1833.

* Several changes have taken place in the arrangement of the zillahs in the Lower Provinces since the enactment of this Regulation; and by Act XXI. 1836, the Governor-General is empowered to create new, and to alter the limits of existing zillahs, by order in Council.

See Sec. ii. Reg. VIII. 1833.

See Sec. iii. Reg. III. 1829, and Act XXI. 1837.

Each Zillah and City Court to be superintended by one judge.

III. Each Zillah and City Court is to be superintended by one judge, who, previous to entering upon the execution of the duties of his office, is to take and subscribe the following oath before the *Governor-General in Council*, or any person whom he may commission to administer it:

Oath to be taken by the judges of the Zillah and City Courts.

"I, A. B., appointed judge of the Dewanny Adawlut of the zillah (or city) of ....., solemnly swear, that I will administer justice conformably to the Regulations that have been or may be passed by the Governor-General in Council, to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward; that I will not receive, directly or indirectly, any present or nuzzer, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court of which I am appointed judge; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, in money or effects, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court; that I will render a true and faithful account of all sums of money that may be paid into the court, or disbursed from it; that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions in Bengal for the purpose of remitting money to Europe, nor in any commercial transactions; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive: So help me God."

See Act XXI. 1836.

Special jurisdiction of the Zillah Courts.

IV. The special jurisdiction of the Zillah Courts is to extend throughout the districts and places that are or may be included in the zillahs in which they are respectively established, with this exception, that the courts in the zillahs of *Moorshedabad*, Dacca Jelalpore, and Behar proper, are not to have any jurisdiction within the limits of the special jurisdiction of the courts for the cities of Moorshedabad, *Dacca*, and Patna.

Jurisdiction of the three City Courts.

The special jurisdiction of the Courts of Dewanny Adawlut for the cities of Moorshedabad, *Dacca*, and Patna, is to extend over those cities and the places adjacent, which are or may be included in the limits of their respective jurisdictions.

Courts to be held in a large room three days in every week, or oftener if necessary.

V. The Zillah and City Courts are to be held in a large and convenient room in the city or place at which they are respectively established, three days in every week, or oftener if the state of the business shall render it necessary.

Judges to inform the Sudder Dewanny Adawlut whenever they may be prevented holding a court as often as is herein required.

Whenever the judge of a Zillah or City Court, from indisposition or other cause, shall be prevented holding a court three days in each week, as above required, he is, at the expiration of the week, to report the cause of the court not being so held to the Sudder Dewanny Adawlut. This report is not to be made when the court may be shut pursuant to orders from the Sudder Dewanny Adawlut under Section XXIII. Regulation VI. 1793.

No act to be done but on court days and in open court.

No rule, order, proceeding, or decree is to be made, but on court days and in open court.

Seals of the courts.

VI. The Zillah and City Courts are to use a circular seal, one inch and

three-quarters in diameter. The seals of the Zillah Courts in the provinces of Bengal and Orissa, and the courts for the cities of *Dacca and* Moorshedabad, are to bear an inscription to the following effect, in the Persian and Bengal characters and languages; the seals of the Zillah Courts in Behar, and the court for the city of Patna, are to have a similar inscription in the Persian language and character, and the Hindostanee language and Nagerce character: "The seal of the Dewanny Adawlut of the zillah (or city) of ....." The seal of each court is to remain in the custody of the judge.

Seal to remain in the custody of the judge.

Zillah and City Courts to have jurisdiction over all persons *not British subjects.*

VII. All natives, and other persons, *not British subjects,** are amenable to the jurisdiction of the Zillah and City Courts.

*Superseded by Sec ii. Act XI 1836.

Of what suits the Zillah and City Courts are to have cognizance, when the defendant comes under any of the descriptions of persons mentioned in Section VII

VIII. The Zillah and City Courts, respectively, are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land-rents, revenues, debts, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries, and generally of all suits and complaints of a civil nature, in which the defendant may come within any of the descriptions of persons mentioned in Section VII., provided the landed or other real property to which the suit or complaint may relate shall be situated, or in all other cases the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside, as a fixed inhabitant, within the limits of the zillah or city over which their jurisdiction may extend.

British subjects, with certain exceptions, not to be permitted to reside at a greater distance from Calcutta than ten miles, unless they execute the bond prescribed in Regulation XXVIII 1793.

IX. *The Zillah and City Courts are to have jurisdiction over all British subjects (excepting King's officers serving under the presidency of Fort William, and the covenanted civil servants of the Company and their military officers), so far as not to allow them to reside or take up their abode within their respective zillahs or cities, at a greater distance from Calcutta than ten miles, unless they execute the bond prescribed in Regulation XXVIII.* 1793, *to render themselves amenable to the court in all suits of a civil nature that may be instituted against them by natives, or other persons described in Section VII. in which the amount claimed may not exceed five hundred sicca rupees.*

Superseded by Sec ii. Act XI 1836.

Collectors of the revenue and customs, *commercial residents,* salt agents, mint and assay masters and their respective officers, amenable to the courts for acts done in their official capacity.

X. Collectors of the revenue and their assistants and native officers, *commercial residents and agents and their assistants and native officers employed in the provision of the investment,* salt agents and their assistants and native officers concerned in the manufacture of salt, the collectors of the customs and their assistants and native officers employed in the collection of the customs, the mint and assay masters and their assistants and native officers, are declared amenable to the Zillah or City Court in the jurisdiction of which they may reside or carry on the public business committed to their charge, for any acts done in their official capacity, in opposition to any Regulation printed and published in the manner directed in Regulation XLI. 1793.

See Sec xviii Reg. XIII. 1816; & Secs xiii. to xxi. Reg. X 1819

Individuals how to proceed, who may consider themselves aggrieved under the Re-

XI. If a native, or any other person not being a British subject, shall consider himself aggrieved under any Regulation printed and published in the manner directed in Regulation XLI. 1793, by an act done by any of the

Modified by Reg II. 1814, and Sec v. Reg XIII. 1829. See Secs xiii to xxi. Reg. X. 1819

officers of Government described in Section X. pursuant to a special order originating with the Governor-General in Council or the Board of Revenue or of *Trade*, the officer by whom the act may be done is not to be liable to be sued for it. In such cases, Government is to be considered as the defendant; and the person deeming himself aggrieved is to present a petition to the judge of the Dewanny Adawlut of the zillah or city to which the officer by whom the act complained of may have been done shall be amenable in his public capacity, stating wherein he considers himself injured under the Regulations, and praying that the Governor-General in Council will order the Court of Dewanny Adawlut in which the cause may be cognizable to try the points or matters contested agreeably to the Regulations. The judge to whom the petition may be presented is to forward it immediately to the Governor-General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable to proceed to the trial of it. If the Governor-General in Council shall order the cause to be tried, the court is immediately to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The officer by whom the act complained against may have been done, is to carry on the suit under the directions of the Governor-General in Council, or the Board of Revenue or of *Trade*, according to the immediate authority under which he may have acted, and is to issue the necessary instructions to the vakeel of Government in the court in which the suit may be instituted, or subsequently carried in appeal. In the event of Government being cast in any of the courts, the officer entrusted with the management of the suit is to send a copy of the decree and proceedings of the court to the Governor-General in Council, or to the Board of Revenue or of *Trade*, according to the immediate authority under which he may have acted, with a letter stating any objections that he may have to offer to the decision. The boards above mentioned are to submit all such decrees and proceedings to the Governor-General in Council with their opinions respecting them. The Governor-General in Council will order an appeal from the decisions that may be transmitted to him under this section to be preferred or not, as may appear to him advisable. The costs and damages that may be awarded against Government, in suits instituted under this section, are to be defrayed from the public treasury. All special rules respecting cases of the nature of those described in this section are to be duly attended to by the plaintiff, and the boards and officers concerned in them.

Modified by Reg II. 1814, and Sec. v. Reg XIII. 1829 See Secs xiii to xxi Reg. X 1819.

gulations by any special order of Government, or the Boards of Revenue or *Trade*.

Government to be considered as the defendant.

Complainant to present a petition to the judge

What the petition is to contain.

Judge to transmit the petition to the Governor General in Council

How he is to proceed with the petition.

If he shall order the cause to be tried, the order to be notified to the party, and the cause to be considered as filed from the date of the notification

Court how to try the cause

Officer by whom the act may have been done, to carry on the suit on the part of Government.

Officer how to proceed in the event of Government being cast in any of the courts.

All special rules respecting cases of the nature of those described in this section, to be observed by the parties.

XII. If a suit shall have been instituted in the Court of Dewanny Adawlut of any zillah or city in which it may have been cognizable, no other Zillah or City Court is to entertain a suit for the same cause of action; and on proof being made in the court in which the second suit may be commenced, that a prior suit for the same cause of action has been instituted in another Zillah or City Court competent to try it, the court in which the second suit may be brought is to dismiss it with costs, to be paid by the party so suing. And if any person shall have commenced a

No court is to receive a suit previously instituted in another court in which it may be cognizable.

Court in which the second suit may be instituted, to dismiss it with costs to be paid by the party suing.

Further penalty for

Instituting such second suits, either whilst the first suit is depending, or after a decree is passed

Penalty for the institution of frivolous, vexatious, or groundless suits

suit in the Dewanny Adawlut of any zillah or city, and whilst that suit is depending, or after a decree may be passed in it, shall commence another suit in any other zillah or city Court of Dewanny Adawlut for the same cause; or if any person shall commence a suit in any zillah or city Court of Dewanny Adawlut, which shall appear to the judge to be frivolous, vexatious, or groundless, he is not only to dismiss the suit, with such costs as he may deem it equitable to award against the plaintiff, but is to fine him in such amount as he may think proper, upon a consideration of the nature of the case and the situation and circumstances in life of the offender, and commit him to close custody until he pays the fine.

Decrees for real property to specify the shares of all the claimants

XIII. The Zillah and City Courts are not to pass a decree in any suit concerning the succession or right of inheritance to a zemindarry, talook, land, house, or other real property, to which there are more claimants than one, who by the Hindoo or Mahomedan law (respect being had to the religion of the claimants) would be entitled to a portion of the property; excepting the property be by the decree adjudged to all the claimants, in the proportions to which they may be respectively entitled. See Act XXI. 1850.

Courts not to try the merits of any suit where the cause of action shall have arisen before the 12th August, 1765.

Nor any suit where the cause of action shall have arisen twelve years before a suit shall have been commenced for it.

Exception to the rule.

XIV.* The Zillah and City Courts are prohibited hearing, trying, or determining the merits of any suit whatever, against any person or persons, if the cause of action shall have arisen previous to the 12th of August, 1765; or any suit whatever against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it; unless the complainant can show, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money; or that he directly preferred his claim within that period, for the matters in dispute, to a court of competent jurisdiction to try the demand, and shall assign satisfactory reasons to the court why he did not proceed in the suit; or shall prove that, either from minority or other good and sufficient cause, he had been precluded from obtaining redress. See Reg II 1805.

Decrees not to be given for sums of money on bonds, which may not have been executed in the presence of two credible witnesses, unless the sum or a valuable consideration shall be proved to have been given

Cases to which this restriction is not to extend

XV. The Zillah and City Courts are prohibited decreeing the payment or satisfaction of any sum due on a tamassook or bond, which may have been entered into after the 28th March, 1780, unless the bond shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond, or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this section is not to extend to any bills of exchange, receipts, or notes of hand, in the determination on which the custom of the country is to be abided by.

Judges not to entertain suits which may have been decided by any former judge or superintendent having competent jurisdiction.

XVI. The Zillah and City Courts are prohibited entertaining any cause which, from the production of a former decree or the records of the court, shall appear to have been heard and determined by any former judge, or any superintendent of a court having competent jurisdiction. If any

* For the limitation of suits in territories into which the Regulations have been introduced since 1793, see the various enactments promulgating such introduction

doubt should arise respecting the competency of the former jurisdiction, the judges are to report the circumstances to the Sudder Dewanny Adawlut, and wait the instructions of that court.

Doubts respecting the competency of the former jurisdiction to be submitted to the Sudder Dewanny Adawlut

XVII. The Dewanny Adawlut of the zillah of the Twenty-four Purgunnahs is not to receive or entertain any suit, under any pretence whatever, relating to any land, house, tenement, or hereditament, nor any dispute regarding the boundaries of lands, houses, tenements, or hereditaments, situated within the town of Calcutta (which, for the purpose of this rule, is declared to be bounded by a line drawn by the bridge and nullah of the Baug-bazar, or Cow-cross, the Mahratta intrenchment, and the road adjoining to it continued to the westward of the Colligaut road, the Govindpore nullah, and the river), [*nor any suit whatever against a person who may be an inhabitant of Calcutta at the time the suit may be instituted, or may become a resident within the limits of the town after the suit may be commenced.*] The court is commanded not to intermeddle with, or take cognizance of the suits above mentioned, which are to be considered entirely exempt from its jurisdiction. But the prohibitions contained in this section are not to be construed to extend to preclude the Court of Dewanny Adawlut of the zillah of the Twenty-four Purgunnahs entertaining any suit concerning marriage or caste, in which no money or other valuable thing may be demanded or decreed, although the cause of action shall have arisen, or the defendant may reside, or shall have resided at the time the suit commenced, within the limits of the town of Calcutta.

Repealed by Act XXII. 1843.

Of what suits the Zillah Court of the Twenty-four Purgunnahs is prohibited taking cognizance, as coming within the jurisdiction of the Supreme Court of Judicature

Exception to the rule.

XVIII. The Zillah and City Courts are prohibited interfering, in any respect, in any cause or matter of a criminal nature, declared cognizable by the magistrates of the several zillahs and cities, the *Courts of Circuit*, or the Nizamut Adawlut, or any other courts for the trial of cases of a criminal nature, that now exist or which may be hereafter established; excepting for contempt and perjuries committed in open court, as prescribed in Sections XIV. and XXI. Regulation IV. 1793.

Courts prohibited taking cognizance of any matters of a criminal nature.

Exceptions to the rule.

See Sec. 4 Reg. XV. 1816.

XIX. The judges of the Zillah and City Courts are prohibited corresponding by letter with parties in suits, process, or matters depending before them, or coming within their cognizance. If a party in a suit, or a person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person and represent the matter in writing, or make the representation in writing through an authorized vakeel. The court is to pass whatever order upon the representation may appear to it proper, consistently with the Regulations, and to direct a copy of the order to be delivered to the person making the representation, or to his vakeel, under the seal of the court and attested by the *register*. The judges of the Zillah and City Courts are also prohibited corresponding by letter with the *provincial courts of appeal*, respecting any cause or matter before those courts, or upon any matters whatever on which they may not be specially empowered so to correspond. When a judge shall have occasion to communicate to the *provincial court* any information that may be required from him by the court, or which he may deem it necessary to submit to the court, respect-

Zillah and City Courts prohibited corresponding with parties in suits, or any person, respecting matters cognizable in the courts.

Judges of the Zillah and City Courts prohibited corresponding with the *provincial courts*

ing any matter or cause that may be before it, he is to certify it to the court by a writing under his official seal and signature.

An appeal to lie to the provincial courts of appeal from the decisions of the Zillah and City Courts, in all cases whatever.

XX. [*An appeal is to lie to the provincial courts of appeal, under Regulation V.* 1793, *from the decisions of the Courts of Dewanny Adawlut of the several zillahs, and the cities of Patna, Dacca, and Moorshedabad, in all suits or matters whatsoever; and*] the judges of the Zillah and City Courts are invariably to state in every decree the grounds on which they may pass it. Superseded by Cl.3,Sec.xxviii. Reg. V. 1831.

Judges to act according to justice, equity, and good conscience, in cases for which no specific rules exist.

XXI. In cases coming within the jurisdiction of the Zillah and City Courts for which no specific rule may exist, the judges are to act according to justice, equity, and good conscience.

Reg. IV. 1793.

A.D. 1793. REGULATION IV.

A REGULATION *for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad:* PASSED *by the Governor-General in Council on the* 1*st May*, 1793.

I. THE following rules are enacted for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad.

Only plaintiffs or defendants, or their vakeels duly empowered, to be allowed to prefer or defend a suit. No other persons, excepting the witnesses of the parties, to be heard vivâ voce in a cause.

II. No complaint is to be received but from the plaintiff, nor any answer to a complaint but from the defendant, or their respective vakeels duly empowered. Nor is any person to be permitted to do any act, or to be heard vivâ voce in any stage of a cause, excepting the plaintiff or defendant, or their vakeels or witnesses.

What a complaint preferred a Zillah or City Court is to contain.

If it is for malguzarry or lakheraje land, the annual produce is to be specified.

III. Every complaint that may be presented to the Court of Dewanny Adawlut of any zillah, or of either of the cities of Patna, *Dacca*, or Moorshedabad, is to state precisely the matter of complaint. [*If it be concerning a zemindarry, or an independent or a dependent talook, or any landed property being lakheraje* (*exempt from the payment of revenue to Government*), *or malguzarry* (*subject to the payment of revenue to Government*), *it is to state the amount of the annual produce of the land according to the most accurate estimate which the claimant may be able to procure. To obviate all doubt respecting what is meant by the annual produce of lakheraje and malguzarry lands, it is declared to be the aggregate of the sums that may have been paid under the Regulations by the dependent talookdars, under-farmers, and ryots, on account of the year in which the claim may be preferred, and that would be payable by them were the claimant to be put into possession of the lands during that year. If the complaint is for a house,* Superseded by 8. Sched. (B), Reg. X. 1829.

What is meant by the annual produce.

garden, tank, or any real property not being malguzarry or lakheraje land, or any valuable thing, or relating to marriage or caste, or for damages for any injury, it is to state, according to the nearest estimate, the exact sum of money, or the amount in which the plaintiff may be endamaged.] The complaint is also to specify the name of the person complained against, the time when the cause of action arose, and is to be signed by the complainant, or his vakeel duly authorized. The complaint is to be signed and numbered, and dated in the order in which it may be received, by the judge of the court, and is to be registered in a book by a native officer of the court, whose particular duty it is to be made to [*copy and*] register complaints. Every complaint, answer, reply, and rejoinder, is to be written in the Persian or the Bengal language and character, or in the Hindostanee language and Nageree character, and no other, and the parties are to be permitted to deliver their pleadings in whichever of those languages and characters they may think proper.

If for any other property or money, or damages, the amount or value, or the sum in which the party may be endamaged, is to be specified.

Complaint to specify the name of the defendant and when it arose, and to be signed by the party or his vakeel. Judge to sign, number, and date the complaint.

Complaint to be entered in a book by a native officer.

In what language the complaint, answer, reply, and rejoinder are to be written.

Repealed by Act XIV. 1847.

See Act XXIX. 1837

Superseded by Cl 3, Sec xxvii. and Cl. 3, Sec. xxviii. Reg. V. 1831; and Secs. i. and iv. Act XXV. 1837.

IV. [*That no doubt may be entertained respecting what suits decided in the provincial courts of appeal are appealable to the Sudder Dewanny Adawlut, it is directed that if a suit shall be instituted in any Zillah or City Court, and the cause of action shall be stated by the plaintiff to be such as would make it appealable to the Sudder Dewanny Adawlut, or such as would not entitle either party to an appeal to that court, in the event of the suit being appealed to the provincial court of appeal, and either party being dissatisfied with the decision of that court, the defendant, in the first case, if he shall be of opinion that the cause is not appealable, and in the second, if he shall think it appealable, is to insert his objections to the plaintiff's statement in his answer, and the judge is to make such inquiries as he may deem necessary, to ascertain whether the cause of action is such as would or would not render it appealable to the Sudder Dewanny Adawlut, and to insert his decision on the objections of the defendant in the record of the trial, which the court of appeal, in the event of the cause being brought before them, are to confirm or set aside, as may appear to them proper. If the defendant shall not offer any objections, in either of the cases above mentioned, to the plaintiff's statement of the cause of action, it is to be held correct, so far as to determine eventually whether it is or is not appealable to the Sudder Dewanny Adawlut, and any objections which either party may afterwards offer to the statement are not to be attended to; but if, agreeably to the statement, the cause of action shall be appealable, an appeal is to be allowed (all rules regarding appeals being duly observed), and if it be not appealable, an appeal is not to be admitted.*]

Defendant to insert in his answer his objections to the plaintiff's statement of the cause of action, otherwise the statement is to be held correct, so far as to determine whether the cause is or is not appealable to the Sudder Dewanny Adawlut

Modified by Secs. ii. and iv. Reg. II. 1806.

V. Upon any person, either by himself or his vakeel duly appointed, preferring a written complaint on account of any matter declared cognizable by the zillah or city Courts of Dewanny Adawlut, to the proper Zillah or City Court, the court is to issue a *summons* to the defendant, which is to contain a short account of the nature of the demand, and to require the defendant either to accompany the officer who may be deputed to serve the summons, to appear *in person* before the court, *or to deliver to him good and sufficient security* to appear and answer to the complaint on the day appointed, either in person or by vakeel. The person who may become security for the appearance of the defendant is further to

Court how to proceed upon a complaint cognizable by it being preferred to it.

To issue a *summons*.

Contents of the *summons*

See Sec. iii. Reg. XI. 1797.

bind himself to be responsible for the personal attendance of the defendant whenever it may be required by the court; and in the event of his not being able to produce him, either whilst the suit is depending, or at any time before the final decree in the cause is executed, to be answerable for such sum as may be adjudged against the defendant. The *summons* is to be served on the defendant by the nazir or his inferior officer, if he can be found, *and in the event of his not giving the required security, the nazir or officer is to take his person into custody, and bring him before the court.* The nazir is to return the *summons* on the day appointed, with an endorsement specifying in what manner he has executed it. If the defendant shall appear, either in person or by vakeel, the court is to fix a day, according to its discretion, for him to answer to the complaint, and if it shall deem it reasonable so to do, may at any time allow the defendant a further period for delivering his answer: and if the defendant shall appear in person, and shall not have given the security above mentioned for his appearance and attendance, the court is to require him to give it, and in the event of his refusing or omitting to comply with the requisition, he is to be committed to close custody, until he shall have given the security or performed the decree of the court. When the defendant has delivered in his answer to the complaint, the plaintiff is to reply to it on the next court day; but he is not to be permitted to introduce in his reply any matter whatever which may not be contained in his complaint, but is either to acknowledge the answer of the defendant to be true, or simply and shortly deny the truth of such of the facts in the answer as he intends to dispute, or simply deny the truth of all the facts contained in it, or the competency of the answer. The defendant is to rejoin to the reply on the same day; but is not to be permitted to introduce in his rejoinder any matter not contained in his answer, but is simply to deny the truth of the reply of the plaintiff, or the parts of it which he means to dispute, and aver the truth or competency of his own answer; and no further pleadings whatever are to be admitted in the cause. But if, from mistake, inadvertence, or other cause, the plaintiff shall have omitted to insert in his complaint anything material to the suit, the court, on the omission being represented either by the plaintiff or his vakeel, is to allow the plaintiff to prefer a supplemental complaint, in which he is to state the matter omitted. The defendant is to be allowed to deliver an answer to the supplemental complaint on a day to be fixed for that purpose; and the plaintiff and defendant are to reply and rejoin in the same manner as on the original complaint, but no other. In like manner, if the defendant, from mistake, inadvertence, or other cause, shall have omitted to insert in his answer anything material to his defence, the court, upon his representing the omission either in person or by his vakeel, is to permit the defendant to deliver in a supplemental answer. The plaintiff and defendant are to reply and rejoin in the same manner as on the original answer: but no more than one supplemental complaint, or one supplemental answer, is to be received by the court. Whenever a defendant shall refuse or neglect to rejoin at the time appointed for that purpose, [*the register is to enter a rejoinder for him, and*] the court is to proceed in the trial in the same manner as if the defendant himself had rejoined.

See Sec. iii. Reg XI. 1797.

Nazir to return the *summons* on the fixed day, with an endorsement how it has been executed

Upon the defendant appearing, court to fix a day for his answering,

and to take security for his attendance

Modified by Secs. ii. and iv. Reg. II 1806

Defendant to be committed to custody in the event of his not giving the required security.

Plaintiff to reply to the defendant's answer

What the reply is, and what it is not to contain.

Defendant to rejoin to the plaintiff's reply

What the rejoinder is, and what it is not to contain.

Cases in which the plaintiff is to be permitted to prefer a supplemental complaint.

Defendant to be allowed to deliver an answer to the supplemental complaint.

Plaintiff and defendant to be permitted to reply and rejoin.

Cases in which the defendant is to be allowed to deliver a supplemental answer.

Modified by Cls. 2 and 3, Sec. vi. Reg. XXVI. 1814.

Plaintiff and defendant to reply and rejoin

Only one supplemental complaint or answer to be admitted.

Register to rejoin, if the defendant does not rejoin by the appointed day.

VI. When the rejinder has been filed, the court, either immediately,

When the courts are to proceed to the exa-

See Secs. x. and xii. Reg. XXVI. 1814

or on a fixed day (eight days' notice of which is to be given to the parties) as soon after the pleadings are closed as the business of the court will permit, is to examine the truth of the complaint or claim by the *oaths* of the parties, if they mutually consent to that mode of examination, and of the witnesses who may be produced by them, if they have any witnesses to produce. To procure the attendance of witnesses, the Zillah and City Courts, on the requisition of the plaintiff or defendant, or their respective vakeels, are to issue a summons to the witnesses whom the parties may name (provided they be not Hindoo or Mahomedan women of a rank or quality which, according to the manners and customs of the country, would render it improper to compel them to appear in a court of justice), specifying at whose request the summons may have been issued, and requiring them to appear in the court on a day to be named in the summons, and there to depose concerning the matter in dispute between the parties. If a witness so summoned shall not attend on the day appointed, or attending, shall refuse to give evidence or to subscribe his deposition as hereafter required, the Judge, in the first case, if it shall be proved to his satisfaction, on *oath*, that the witness was material to the cause, is to issue an order to the nazir to seize and bring the witness before the court, and is to impose on such witness not having attended, or refusing to give evidence, a fine not exceeding five hundred rupees, and to commit him to close custody until he shall consent to give his evidence and sign his deposition. If a witness who may attend pursuant to a summons shall have incurred any expense in consequence of his being required to appear, the court is to award to him such sum for his charges as may appear to it reasonable, whether he be examined or not. If the sum so awarded shall not be paid immediately, or secured to the witness to the satisfaction of the court, the party at whose requisition the witness may be summoned is not only to lose the benefit of his testimony, but the court, after the decree in the cause shall be passed, is to confine such party until he shall discharge the sum awarded to the witness. The Zillah and City Courts are to administer to parties consenting to be examined on *oath*, and to witnesses, such *oaths* as may be considered most binding on their consciences, according to their respective religious persuasions. [*But if a witness shall be of rank or caste which, according to the prejudices of the country, would render it improper to compel him to take an oath, the judge of the court may dispense with his being sworn, provided he shall subscribe one of the under-mentioned declarations, according as he may be of the Mahomedan or Hindoo persuasion.*

Superseded by Act V. 1840.

mination of the merits of the suit.

How the attendance of the witnesses of the parties is to be procured, provided they be not women of the rank or caste herein mentioned.

What the summons is to contain.

How witnesses so summoned are to be dealt with if they shall not appear, or if they shall appear and refuse to give evidence or subscribe their depositions.

Court empowered to award to witnesses appearing pursuant to the summons such sum for their expenses as may appear to it reasonable

Expense to be paid by the party summoning the witness.

Consequences attending his not paying such expense as required, and the court how to enforce the payment

What *oaths* are to be administered to parties or witnesses.

Cases in which the courts may dispense with the oaths of witnesses.

Declaration to be subscribed by a Hindoo Witness exempted from taking an Oath.

"*I will faithfully answer according to the truth, such questions as may be put to me by the court in the cause now before the court; I will not declare anything not warranted by the truth. If I declare anything not warranted by the truth, I shall be deserving of punishment from Ishwur.*"

Declaration to be signed by a Hindoo witness exempted from taking an oath

Declaration to be signed by a Mahomedan Witness exempted from taking an Oath.

"*I sincerely promise and swear, in the presence of Almighty God, that I will, faithfully and without partiality, answer according to the truth, any*

Declaration to be signed by a Mahome-

dan witness exempted from taking an oath.

questions that may be put to me by the court respecting the cause now before the court." After the witness has given his deposition, he is to subscribe the following declaration. "I swear, in the presence of Almighty God, that I have faithfully and without partiality answered according to the truth the questions put to me by the court respecting the cause now before the court."

Superseded by Act V. 1840.

Depositions of witnesses subscribing the above declarations to be received as good evidence.

The depositions of the witnesses who may subscribe the above declarations are to be received as good evidence in the cause, in the same manner as if they had been sworn.] The deposition of every witness who may appear in court is to be taken vivâ voce in open court, and (if he be a native) in the Persian, Bengal, or Hindostanee language, and is to be reduced into writing in the Bengal, Persian, or Nageree character, according as the witness may desire. The deposition is to be subscribed by the witness with his name or mark. Every exhibit or written evidence (*excepting exhibits that may be proved by such absent witnesses as are hereafter mentioned*) is to be produced in open court at the trial, and if disputed, is to be duly proved by the examination of witnesses sworn as above directed, whose depositions are, in the same manner, to be reduced into writing and signed. Every exhibit is to be marked with some letter or number to identify it, and the letter or number is to be referred to in the deposition proving it. All exhibits proved by witnesses not present in court are, in the same manner, to be marked and referred to in the depositions proving them, and are to be endorsed and minuted as having been read at the time they may have been read in the court. In the event of any witness being a Hindoo or a Mahomedan woman of a rank or quality which, according to the customs and manners of the country, would render it improper to compel her to appear in a court of justice, the zillah and city Courts of Dewanny Adawlut are authorized to commission three creditable women, who are to be *sworn* to execute the commission truly and faithfully, to administer either [*an oath, or*] the prescribed declaration [*to persons of the rank, caste, or quality before mentioned* (*according to the discretion of the judge and the religion of the witnesses*),] and to examine them on written interrogatories to be delivered to them by both parties or their vakeels, if both parties shall desire to examine the witnesses. [*In like manner, if any witness whose deposition may be necessary to the determination of a cause shall reside out of the jurisdiction of the Zillah or City Court in which the suit may be instituted, and at a greater distance from the court than fifty coss, the judge of the Zillah or City Court is authorized by a letter signed by himself, and sealed with the seal of the court, to request the judge of the Zillah or City Court in whose jurisdiction the witness may reside, either to administer to him an oath, or cause him to sign the above-mentioned declaration, should he be of the description of persons whom the courts are empowered to exempt from taking an oath* (*according to the discretion of the judge who shall grant the commission, and the religion of the witness*), *and to examine such witness on written interrogatories to be transmitted to the judge by both parties or their vakeels, if both parties shall desire to examine the witness. The judge to whom the letter may be directed is to examine the witness or witnesses named in the letter according to the requisition of it, and to return the deposition of each witness duly subscribed by him, to the judge of the court in which the cause may be depending by the time required in the commission; and every deposition so taken is to be read as good evidence in*

See Sec. xi. Reg. XXIV. 1814, and Act XXIX. 1837.

Depositions of witnesses to be reduced into writing in the language and character which they may desire.

Exhibits and written evidence to be produced in open court at the trial

Such exhibits and evidence, if disputed, to be duly proved by witnesses, whose depositions are to be reduced to writing.

Exhibits how to be marked, and referred to in the depositions proving them

Exhibits proved by witnesses not present in court, to be marked and referred to in the same manner, and the date on which they may be read in court is to be endorsed upon them.

Court may dispense with the personal appearance of Hindoo or Mahomedan women of a certain rank.

How the evidence of such women is to be obtained.

Manner in which the judge is empowered to obtain the evidence of witnesses residing out of the jurisdiction of the court, and at a greater distance from it than fifty coss.

Repealed by Act VII 1841

the cause. But if the personal attendance of a party in a suit, or a witness (provided the party or witness be not a woman of rank or quality which, according to the customs and manners of the country, would render it improper to compel her to appear before a court of justice), who may be resident at any distance whatever beyond the limits of the jurisdiction of the court, shall be deemed by the judge trying the cause to be indispensably necessary, he is to address the judge of the court in the jurisdiction of which the person whose attendance is required may reside, requesting him to order him to attend; and the judge so addressed is directed to comply with the requisition, without further delay than may be necessary in the event of the attendance of such person before the court of the judge to whom the application may be made being indispensable, in consequence of his being either a party or a witness in a suit depending before the court.] If any exhibit or written evidence is offered to a Zillah or City Court in a cause depending before it, and the judge of the court shall think it just and proper to reject it, he is to endorse upon it the word "rejected," together with the names of the parties in the cause, and the name of the party who produced the document, the date on which it may be rejected, and his reasons for not admitting it (which may be written either upon the document rejected or on a paper to be annexed to it), and to subscribe his name to the endorsement, and return the document, with his reasons so written, to the person who produced it.

Personal attendance of parties or witnesses residing out of the jurisdiction of the court, and at a greater distance than fifty cos, how to be procured if necessary

Judge how to proceed in the event of his rejecting exhibits or written evidence that may be offered.

VII. When the parties have been heard, and the witnesses on both sides examined, and the exhibits received and considered, the judge is to give judgment according to justice and right, and is to order costs to be paid to the party in whose favour the decree may be made. The court is *then* to cause the decree to be executed, if it be for a zemindarry, independent or dependent talook, or other estate or real property, by causing possession of the property to be delivered to the person to whom it may be decreed; if it be for personal property or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed, to be levied by public sale by auction of a sufficient portion, or, if requisite for the satisfaction of the decree, the whole of the lands, houses, and all other effects, either real or personal, belonging to the party against whom the judgment may have been given, or by the attachment of his person, or where it may be necessary, both by the sale of his property and effects, and the attachment of his person.

When the court is to give judgment.

Modified by Sec. xv. Reg. XXVI. 1814.

Decree of the court how to be executed.

VIII. If the defendant in a suit in a Zillah or City Court shall be committed to close custody at the instance of the plaintiff, either whilst the suit is depending or after the decree shall have been passed, the judge, at the time of the commitment of the defendant, is to make an order on the plaintiff for the payment of whatever monthly allowance he may think reasonable for the subsistence of the defendant, upon a consideration of his rank and situation in life and the circumstances of the plaintiff. The allowance is not to exceed four annas, nor to be less than one anna per day; and is to be made payable to the nazir, who is to give monthly receipts for it to the plaintiff, dated on the day on which the money may be paid. The first payment is to be made immediately upon the confinement of the defendant, and every subsequent payment at the expiration

Monthly allowance to be paid to defendants confined at the instance of plaintiffs.

See Sec. xii. Reg. II. 1806.

To whom and when the allowance is to be payable

Nazir to report to the judge, in the event of the plaintiff omitting or refusing to pay the allowance for one month.

Judge how to proceed upon such report.

Plaintiffs not to pay any allowance to defendants confined for disobedience to the orders of the court.

of the next and following months, calculating from the day on which the defendant may be confined. If the plaintiff shall neglect or refuse to pay the prescribed allowance for the space of one month after any payment may become due, the nazir is to report the omission or refusal in writing, under his signature, to the judge. Upon receipt of the report, the judge is to cause it to be notified to the plaintiff, by a writing (in the Persian and Bengal languages, if the court be situated in Bengal or Orissa, or in the Persian language, and the Hindostanee language and the Nageree character, if it be in Behar), to be fixed up in some conspicuous place in the court-room, that if he shall not, within one month after the date of the notice, pay the sums in arrear, together with the allowance for one month in advance, the court will release the defendant. If the plaintiff shall not make the payments required by the notice, the court is accordingly to discharge the defendant from custody. Plaintiffs are not to be required to pay any allowance to defendants who may be committed to custody for disobedience to an order of the court.

Modified by Reg. VI 1830.

See Act XXIX. 1837.

Zillah and City Courts to transmit to the Board of Revenue and the collector of the zillah, a copy of every decree regarding malguzarry land which they may pass, and of every such decree that may be transmitted to them by *the provincial court of appeal or* the Sudder Dewanny Adawlut, to be enforced, together with an abstract of the decree

What the abstract is to contain

IX. That the quinquennial register of landed property paying revenue to Government, directed to be prepared by Regulation XLVIII. 1793, may be kept complete, the Zillah and City Courts are strictly enjoined to transmit to the collector of the zillah and the Board of Revenue a copy of every decree that they may pass, or which may be sent to them to be enforced by *the provincial courts of appeal or* the Sudder Dewanny Adawlut, regarding any zemindarry, independent talook, or other land, paying revenue immediately to Government, or in anywise concerning the possession of such land. The judge is to transmit the copy of the decree within ten days after he may pass or receive it. The decree is to be attested with the signature of the judge and the seal of the court, and is to be accompanied with a short abstract of it, specifying the date of the decree, the names of the purgunnah or purgunnahs, the talook or talooks, the turf or turfs, the village or villages, or the portions of each, which may be decreed, the name or names of the person or persons last in possession, the person or persons to whom the lands may be decreed, and if the land be decreed to two or more persons, the shares awarded to each person.

Explained by Secs. iii and iv. Reg. LVIII. 1795.

Suits of plaintiffs who neglect to proceed in them for six weeks to be dismissed, unless they can show good cause for not having proceeded

Judge to record upon the proceedings his reasons for the exercise of the powers vested in him by this section.

X. *If a plaintiff shall at any time neglect to proceed in his suit for six weeks, the suit is to be dismissed, unless he can show good and sufficient cause to the court for not having proceeded in it; and the court is to award to the defendant the whole or such part of the costs as he may have incurred in the suit, according as it may deem equitable. The judge is to record upon the proceedings his reasons at large for dismissing the suit of a plaintiff, or allowing him to prosecute it, after he shall have neglected to proceed in it for six weeks.*

Superseded by Act XXIX. 1841.

Court how to proceed, in case a defendant cannot be found, or absconds, or acts so that the process of the court cannot be served upon him

XI. If a defendant against whom a *summons* may issue shall abscond, or is not after diligent search to be found, or shall shut himself up in his own or in any house or building, or retire to any place so that the process cannot be served upon him, and the nazir shall return that on such account he has not been able to serve or execute the process, the judge is to cause a writing (in the Persian and Bengal languages, if it be in Bengal or Orissa, or in the Persian language, and the Hindostanee language and

See Sec iii. Reg. II 1806 See Act XXIX 1837.

Nageree character, if it be in Behar), to be stuck up in some conspicuous part of the room in which the court may be held. The writing is to contain a copy of the *summons*, and a notice, that if the party shall not appear on a day to be fixed (which shall not be less than fifteen days from the time that the *summons* may be fixed up), the court will proceed without further notice to try and determine the cause without the appearance or answer of the defendant. The court is likewise to order a copy of the *summons* and notice to be fixed up with all practicable despatch on the outer door of the house in which the defendant may have usually dwelt, or in some conspicuous place in the village, or other place, in which he may have generally resided. The nazir is to return the order, with an endorsement stating at what times and places the *summons* and notice may have been fixed up. The return of the nazir is to be filed in court, and to form a part of the record of the trial. If the defendant shall not appear at the time limited in the notice, or if a defendant who may have been served with a *summons* shall not appear, or having appeared, shall refuse to give answer, or make other default, or shall admit the truth of the plaintiff's bill of complaint, the court, on examining the allegations of the plaintiff only, and the depositions of his witnesses, is to decree and give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

What the writing so fixed up is to contain.

Modified by Sec. iii. Reg II. 1806.

Nazir to return how he has executed the process.

Nazir's return to be filed.

Cases in which the court is to give judgment on the allegations and evidence of the plaintiff only.

See Sec. iv. Reg. II. 1806.

XII. If a defendant, for whose appearance security may have been taken, shall not appear, or having appeared, shall refuse to give answer, the plaintiff is permitted to institute a suit against the sureties on their engagement, and is to be entitled to recover from them whatever he may prove to be due to him from the defendant, or he may proceed against the defendant, in the same manner as defendants are directed to be proceeded against who have been served with a *summons*, and have not appeared, or have refused to give answer.

Sureties for defendants not appearing, or refusing to give answer, liable to be prosecuted as principals.

Option given to the plaintiff to prosecute the surety, or to proceed against the defendant as herein directed.

XIII. Every process, rule, order, or decree of the Zillah and City Courts (with the exception contained in this section) is to be immediately served or executed, without application to any person or the interference of any individual whomsoever, according to the requisition of it, within the limits of the special jurisdiction of each court. But in every case in which the defendant shall be a Hindoo or Mahomedan woman, of a rank or quality which, according to the customs and usages of the country, would render it improper to compel her to appear in an open court of justice, the judges of the zillah and city courts are not to issue any compulsory process against her, to compel her to appear and make answer, but are to issue a *summons* requiring her to appear in person or by vakeel, at a certain time to be named in the *summons*, in the Zillah or City Court, and answer to the complaint, and abide by the orders which the court may think proper to pass in the cause. The *summons* is to be directed to the nazir of the court, and is to contain a short account of the nature of the demand or complaint, with a notice, that if the defendant shall not appear, as required by the *summons* at the time specified in it, or having so appeared, shall not answer to the complaint at the time which may be fixed by the court, or make any other default, the court will proceed to try and determine the cause in the same manner as if the defendant had appeared,

Process of the courts to be served according to the requisition of it, without application to any person, or the interference of any individual.

Exception to the rule made in favour of defendants who may be women of the description herein specified.

Modified by Sec. ii. Reg. II. 1806.

How such women are to be *summoned* when defendants.

Summons to be directed to the nazir. What it is to contain.

answered, and done what she is authorized or required to do in defence of the suit. The *summons* is further to command the nazir to deliver a copy of it to the dewan, or some principal servant of the defendant. The nazir is not to have recourse to compulsion to enforce the *summons*, but is to serve it in the manner herein directed, and no other. The nazir is to return the *summons* on the day appointed for the appearance of the defendant, with an endorsement specifying in what manner he has executed it; and if he has not executed it, the reason why it has not been executed. If the defendant should appear in person or by vakeel, the court is to fix a certain day, according to its discretion, for her to answer to the complaint, and to appoint a day for the parties to deliver in their pleadings, and the court is to try and determine the cause, in the same manner as suits instituted against persons not being women of the above-mentioned description. Upon the *summons* being issued, if the dewan or other principal servant of the defendant shall abscond, or otherwise act so that the *summons* cannot be served upon him, or shall not, after diligent search and inquiry, be found, the judge, upon the return of the *summons* and proof being made before him on *oath* of the fact, is to proceed against the defendant, in the same manner as he is directed to proceed against a defendant, who, after diligent search, cannot be found, or shall have absconded, or otherwise acted so that he could not be served with a *summons*. If a female defendant on whom no *summons* can be served, after the prescribed notice has been issued, shall not appear as required, or appearing shall neglect or refuse to answer, or make other default, or admit the truth of the complaint, the court, on examining the allegations of the plaintiff only, and receiving the depositions of his witnesses, are to decree and give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

The nazir to serve the *summons* in the manner herein mentioned, and no other.

Nazir to return how he has served the *summons*.

Court how to proceed, if the defendant should appear in conformity to the *summons*.

Court how to proceed, in case the principal servant of the defendant cannot be served with the *summons*, and the defendant shall not appear in person or by vakeel.

Modified by Sec. ii. Reg. II. 1806.

Witnesses or persons guilty of wilful or corrupt perjury to be committed to take their trial before the *Court of Circuit*.

XIV. If a witness, or any person, shall be guilty of wilful and corrupt perjury in any cause or matter depending in court, the judge is immediately to commit the offender to close custody, to take his trial before the *Court of Circuit of the division* in which the offence may be committed.

See Secs. iv. and v. Reg. II. 1807; Sec. xiv. Reg. XVII. 1817, and Sec. iv. Act I. 1848.

The decisions of the courts to be conformable to the Mahomedan law with regard to Mahomedans, and the Hindoo law with regard to Hindoos, in the cases herein specified.

XV. In suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions. In the respective cases, the Mahomedan and Hindoo law officers of the court are to attend to expound the law.

See Sec. iv. Reg. II. 1798, Sec. ix. Reg. VII. 1832, and Act XXI. 1850.

Courts not to refer matters of fact to any person whomsoever, with a view to passing a decree.

Exception to the rule.

The rule not to prevent references to the law officers on points of law.

References to the law officers to be made

XVI. The judges of the Zillah and City Courts are strictly enjoined not to order or allow of a report of any matters of facts relating to any cause depending before them, with a view to the passing a decree, to be made to them by any officer of the court, or any other person; excepting in cases in which special authority for that purpose may be given to the courts by any Regulation. This rule, however, is not to be construed to prevent a judge referring any question arising on the Mahomedan or Hindoo law to the cauzy or pundit of the court, respect being had to the law in which each is conversant. When a reference of this nature is

See Sec. lxxvi. Reg. XXIII. 1814.

deemed necessary, a statement of the facts on which the question of law may arise is to be made out in writing, and signed by the judge of the court, and delivered to the cauzy or pundit for his opinion upon it. A blank is to be left for the answer of the law officer on the same paper on which the question is stated, or on a paper firmly annexed to it. The answer is to be attested with the signature of the law officer, and the dates on which the questions may be stated to him, and the answer may be given, are to be specified.

in writing. What they are to contain.

Answer on what paper to be written, and what it is to contain.

See Sec. I. Reg. XXIII. 1814.

XVII. In cases of disputed property regarding lands, houses, or their limits or boundaries, in which the court may deem a local investigation proper, the court is to appoint an aumeen, who is to be sworn to make a true and faithful report to the court of the several matters which he may be directed to investigate, and not to take or receive, directly or indirectly, from either party, any gratuity, reward, or consideration, besides the sum which may be allowed to him by the court. The aumeen is to be ordered to make his report in writing, subscribed with his name, and to deliver it into court on a certain day, which is to be specified in his commission. The report is to be received by the court as evidence in the cause, with regard to the matters which the aumeen may be commissioned to investigate, and no other. The court may order such sum to be paid to the aumeen as may be thought reasonable for his trouble, and the amount is to be added to the costs, and paid by the person against whom the decree may be passed. But the court is to be careful that expenses are not unnecessarily incurred by the aumeen by delay or other means.

Court may depute an aumeen, where local investigations may be necessary, in disputes regarding real property.

To what points the aumeen is to be sworn.

Report to be made by the aumeen, duly attested by him, on a certain day.

Court to order such sum to be paid to the aumeen as it may judge adequate to his trouble.

By whom the sum awarded is to be paid.

Precaution to be observed by the courts in awarding such sums.

See Sec. xxvii. Reg. XXVII. 1814.

XVIII. The plaintiff is to pay the charges of summoning the defendant and his own witnesses, and of all process attended with expense which may be issued in his behalf previous to the decision of the suit.

Plaintiff to pay, in the first instance, the expense of all process that may be issued in his behalf, previous to the decision of the suit.

See Sec. vi. Reg. II. 1806.

XIX. The judges of the Zillah and City Courts are to order the causes depending in their respective courts to be brought on for trial according to the order in which they may be filed; except in cases in which it may be otherwise directed by any Regulation, or in which the judge may think it proper for special reasons, which he is to state at large upon the record of the trial, to bring on the cause before its turn. The *register* is to enter in a book the causes for the trial of which a day may be appointed by the judge, and on the day fixed call on the causes for trial, in the order in which they may have been entered. A paper containing a list of the causes, and the day appointed for the trial of them, is to be fixed up in some conspicuous part of the court-room seven days previous to the day of trial.

Suits to be brought on for trial in the order in which they may be filed.

Exception to the rule.

A paper, specifying the causes for the trial of which a day has been fixed, is to be stuck up in some conspicuous part of the court-room seven days previous to the trial.

See Act XXIX. 1837.

XX. All orders and process of the court which may be directed to be served or executed on any person, are to be written or printed in the Persian and Bengal languages, in Bengal and Orissa, and in the Persian language, and the Hindostanee language and Nageree character, in Behar, and are to be sealed with the seal of the court and signed by the judge. When a summons, or any process, is issued against a defendant, or a witness in a cause, or any other person who may not reside or be present at the place at which the court may sit, and for the serving or executing

In what language and character the process of the court is to be written.

Summonses and process to be served and executed by peons.

Daily allowance to be paid to the peons

of which a peon or peons may be necessary, each peon is to be paid by the party in whose behalf the summons or process may issue, four annas per day for his subsistence; excepting in districts where custom may have fixed the subsistence-money of peons at a lower rate, in which case the lower rate, and no more, is to be paid. The name of each peon deputed to serve the process, the amount of his subsistence-money, and the number of days for which he is to receive it, is to be endorsed on the writing. No greater number of peons than two are to be deputed to serve or execute any process of the courts, and one peon only is to be sent, excepting in cases in which the judges may think two peons necessary.

Modified by Sec xiv. Reg. XXVI 1814.

Courts to fine persons guilty of contempt, arrogations of judicial authority, or illegal exertions of it in their own causes.

XXI. If any person shall be guilty of contempt of court in open court, or of undue arrogations of the authority of the court, or of illegal exertions of judicial authority in his own cause, the court is immediately to punish the offender by fining him in a sum not exceeding two hundred rupees, and keeping him in custody until the fine shall be paid. The courts are to regulate the amount of the fines which they may impose under this section, according to the situation and circumstances in life of the offenders.

See Act XXX. 1841.

Zillah Court how to proceed against zemindars, independent talookdars, or other actual proprietors of land, or dependent talookdars, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons

Decree to be passed if the offender shall not appear, or shall appear, and be proved guilty of the charge.

XXII. If a zemindar, independent talookdar, or other actual proprietor of land, or a dependent talookdar, shall resist, or cause to be resisted, any process, rule, order, or decree of a Zillah Court, the court, on proof of the resistance being made by *oath* to its satisfaction, is to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or in any building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to decree that the offender shall, from the date of the decree, forfeit his zemindarry, talook, or other estate, in which the resistance may have been made; or if the resistance shall have been made out of the limits of the estate of the offender, the zemindarry, talook, or other landed property that he may possess within the jurisdiction of the court, the process of which may have been resisted. If the cause shall not be appealed to the *Provincial Court of Appeal* within the time limited for preferring appeals to that court, in Section XII. Regulation V. 1793, the court is immediately to forward a copy of its decree and proceedings respecting the charge to the Governor-General in Council. If the offender shall appeal to the *Provincial Court of Appeal* within the prescribed period, and the court should confirm the decision of the Zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court, in Section X. Regulation VI. 1793, the *Provincial Court* is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If an appeal shall be

Modified by Sec iii. Reg. IX 1799.

A copy of the decree to be sent to the Governor-General in Council, if the cause shall not be appealed in time.

If the offender should appeal, and the decision of the Zillah Court be confirmed, the *Provincial Court* to transmit a copy of the decree and proceedings to the Governor-General in Council, in the event of the offender not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

received from the decision of the *Provincial Court*, and the Sudder Dewanny Adawlut should confirm the decree of that court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal*, to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the *Provincial Courts of Appeal* under this section an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the annual produce of the lands of the offender which may be adjudged forfeited (calculating according to the amount paid and payable to the offender by the dependent talookdars, under-farmers, and ryots, on account of the year in which the decree may be passed) shall exceed one thousand sicca rupees. In the event of an appeal from the decree of the *Provincial Court* being presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal depending upon the produce of the lands for the year before mentioned exceeding or falling short of one thousand sicca rupees, the Court of Sudder Dewanny Adawlut is to order the *Provincial Court* to obtain the necessary information regarding the produce, and after receiving their report, admit or reject the appeal according as they may deem equitable. It shall be at the option of the Governor-General in Council, within four weeks after the receipt of a decree adjudging the estate of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to him, upon receiving notice of the fine that he may impose, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the offender. In [*such case, or in*] the event of the Governor-General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the *register*, requiring the collector of the revenue of the zillah to depute an aumeen with a proper establishment of officers (whose allowances are to be specified in the precept) to sequester the lands and collect the rents and revenues. If the lands of the offender shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an aumeen, they are to direct a precept to be issued to the collector of the zillah to order the nearest tehseeldar, or any other officer who may be employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to aumeens in such cases, and under the same restrictions and penalties.

Sudder Dewanny Adawlut how to proceed if the suit should be appealed to them, and they should confirm the decision of the *Provincial Court*

Rule for determining from what decrees of the *Provincial Courts* passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

If the lands are decreed forfeited, the Governor-General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

Modified by Sec III. Reg IX 1799

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if the Governor-General in Council shall not order it to be executed, or commute it for a fine within four weeks

If the decree is declared or becomes final, the court to issue a precept to the collector to sequester the lands.

XXIII. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXII. it shall be at the option of the Governor-General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Govern-

If the forfeiture should stand confirmed, the Governor-General in Council to confer the estate on the heirs of the offender, or to dispose of it at public sale

ment on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or if the property forfeited be a dependent talook, the revenue payable from it to the proprietor within whose estate it may be situated; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in [*Regulation XLV.* 1793.]

See Act IV. 1846.

Courts how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

XXIV. If a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from any Zillah Court, on proof of the resistance being made by *oath* to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court is to decree the lease cancelled from the expiration of the Bengal, Fussily, or Willaity year (according as the farm may be situated in Bengal, Behar, or Orissa) in which the decree may be passed. If the offender shall not appeal to the *Provincial Court of Appeal* within the time limited for preferring appeals to that court in Section XII. Regulation V. 1793, the court is immediately to transmit to the Governor-General in Council a copy of the decree and of all the proceedings respecting the charge. If the offender shall appeal to the *Provincial Court of Appeal* within the prescribed period, and the court should confirm the decision of the Zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court in Section X. Regulation VI. 1793, the *Provincial Court* is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If an appeal from the decision of the *Provincial Court* shall be admitted, and the Sudder Dewanny Adawlut should confirm the decree of the *Provincial Court*, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal*, to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the *Provincial Courts of Appeal*, under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the revenue payable to Government by the offender, for the year in which the decree may be passed on account of the lands the lease for which may be adjudged annulled, shall exceed one thousand sicca rupees. It shall be at the option of the Governor-General in Council, within four weeks after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the

A copy of the decree to be sent to the Governor-General in Council if the cause shall not be appealed in time.

If the offender should appeal, and the decision of the Zillah Court be confirmed, the *Provincial Court* to transmit a copy of the decree and proceedings to the Governor-General in Council, in the event of the offender not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny how to proceed, if they should admit an appeal and confirm the decree of the court.

Rule for determining from what decrees passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

Modified by Sec. iii. Reg. IX. 1799.

Option reserved to the Governor-General in Council to confirm the decree or commute it for a fine, and to compel the farmer to

lease for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed; or if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed upon the offender, the court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture of the lease for a fine, the decree is to stand good against the offender, and the court is without delay to cause a copy of the decree to be sent to the collector. If the lease of the offender shall be annulled, and a balance shall be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the collector of the revenue of the zillah is empowered to proceed against them for the recovery of it, in the manner prescribed in Section XX. Regulation XIV. 1793, for the recovery of balances due from farmers whose leases may be declared annulled under that Regulation. The offender is permitted to prosecute in the Dewanny Adawlut of the zillah in which the farm may be situated, the dependent talookdars, under-farmers, and ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

perform the conditions of his lease.

By what court, and how such fines are to be levied.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

Modified by Sec. iii. Reg. IX. 1799.

XXV. If any person, not being a zemindar, independent talookdar, or other actual proprietor of land, or a dependent talookdar, or a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Court of Dewanny Adawlut established in any zillah, or in either of the *three* cities of Patna, *Dacca*, and Moorshedabad, on proof of the resistance being made by *oath* to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence of which he may be convicted. If the offender shall not prefer an appeal to the *Provincial Court of Appeal* within the time prescribed for lodging appeals, the court is

Zillah and City Courts how to proceed against persons resisting process, who are not proprietors of land, talookdars, or farmers.

Offender to be summoned to answer for his conduct,

Court how to proceed if the offender shall not obey the summons.

Persons fined by any Zillah or City Court under this section to be

allowed an appeal to the higher courts under the Regulations.

to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution. If the offender should appeal to the *Provincial Court of Appeal* within the prescribed time, and the court should confirm the decision of the Zillah or City Court, the rules regarding appeals to the Sudder Dewanny Adawlut from the decisions of the *Provincial Courts of Appeal* for sums of money, are to be held applicable to decisions which may be passed by the *Provincial Courts* under this section. If the *Provincial Courts* should confirm the decision of the Zillah or City Court, and the fine should not exceed one thousand sicca rupees, or if it should be above that sum, and the offender shall not prefer an appeal to the Sudder Dewanny Adawlut within the time prescribed for lodging appeals, the court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

Modified by Sec. iii. Reg IX. 1799.

What the decrees of the courts are to contain.

XXVI. The judges of the Zillah and City Courts are to insert in their decrees the names of the witnesses whose depositions may have been taken, the title of every exhibit read in the cause, and the amount of the annual produce of the land, or the sum of money or the value of the property or thing decreed. The decree is to be sealed with the seal of the court, and signed by the judge, and dated on the day on which it may be passed. The judge *or the register*, either at the time of making the decree or on a subsequent day (of which the court is to give notice to the parties or their vakeels) within ten days after passing the decree, is to deliver or tender in open court to each party, or their vakeels, a true copy of the decree, authenticated as above directed, with an endorsement made upon it by the *register* of the date on which the copies may be delivered; and an entry of the delivery or tender, with the date on which it may be made, is to be inserted by the *register* in the margin of the record opposite to the decree. If either of the parties, or their vakeels, shall not be present at the time the decree may be passed, and the prescribed copy of it may be produced in the court to be delivered, or shall not attend on the subsequent day which may be fixed for the delivery of the copies, after previous notice of the day shall have been given to them, or shall refuse to take the copy of the decree when tendered as above directed, the copy is to be deposited amongst the records of the court, and the cause of the non-delivery of it to the party is to be noted upon it in writing, and in the margin of the record opposite to the decree, under the official signature of the *register*.

See Sec. xxvii. Reg. XXVII 1814.

To be sealed with the seal of the court, and signed by the judge, and dated on the day on which they may be passed.

Judge *or register*, within ten days to tender in open court a copy of the decree to the parties on a day of which previous notice is to be given.

Register to endorse on the decree the date on which it may be delivered or tendered.

Court how to proceed, in the event of parties or their vakeels not being in attendance to receive a copy of the decree, or of their refusing to take it.

See Sec. iii Reg. LVIII. 1795; & Secs. viii. & ix. Reg II. 1805, and Sec. viii. Reg. XXVI. 1814

A.D. 1793. REGULATION V.*

Reg. V. 1793.

A REGULATION *for establishing four Provincial Courts of Appeal for hearing Appeals from Decisions passed in the several Zillah and the three City Courts, and defining their Powers and Duties, and prescribing Rules for receiving and deciding upon Appeals, and other Causes of which they are declared to have Cognizance:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

I. PARTIES in suits instituted in the late Courts of Mofussil Dewanny Adawlut, who considered themselves aggrieved by decisions of those courts, had no tribunal to which they could apply for redress but the Sudder Dewanny Adawlut, or Court of Appeal established at Calcutta. Individuals residing in the interior parts of the country, whose circumstances would not admit of their entertaining a vakeel, at a heavy and an unlimited expense, for the special purpose of prosecuting an appeal, in addition to the authorized charges and other expenses, which necessarily attended the carrying on a law process in a court situated at so great a distance, and whose occupations prevented their repairing to Calcutta in person, were consequently often under the necessity of submitting to decisions by which they deemed themselves injured, even in suits that were appealable. In addition to this evil, arising from the local situation of the Sudder Dewanny Adawlut, the court being composed of the Governor-General and the members of the Supreme Council, it became necessary, notwithstanding the then limited jurisdiction of the Mofussil Dewanny Courts, to restrict appeals to decisions respecting property exceeding a certain and very considerable amount or value, to prevent a greater number of appeals being preferred than the general administration of the public affairs would allow of their hearing. The decisions of the Courts of Mofussil Dewanny Adawlut were accordingly made final, in suits for money, or for personal property, in which the sum, or the value of the thing decreed, did not amount to more than one thousand sicca rupees, and for landed estates paying an annual revenue to Government not exceeding one thousand sicca rupees, and for lands exempted from the payment of public revenue, the annual produce of which was not above one hundred sicca rupees. The principal part of the suits which were instituted in the courts not being appealable under the above limitations, the greater proportion of the suitors, consisting of claimants to landed property, traders, manufacturers, and other persons chiefly of the lower and most industrious orders of the people, had consequently no remedy against unjust or erroneous decisions. In suits regarding arrears of rent or revenue, between the various descriptions of proprietors and farmers of land, and

* The Provincial Courts have been abolished under the operation of Section xxvii. Reg. V. 1831. The Zillah Courts now stand in the same relation to the courts of the ameens and moonsifs as the Provincial Courts did to the Zillah Courts; such parts of this Regulation as refer to the duties appertaining to that relation, and do not appear to have been specifically repealed or superseded, are retained, though some of them may have become extinct under the operation of later enactments.

their dependent talookdars, under-farmers, and ryots, and others concerned in the collection of the rents and revenues arising from land, and in matters between Government and proprietors and farmers of land, respecting the public revenue (which were excluded from the jurisdiction of the Courts of Dewanny Adawlut, and cognizable by the collectors in the late Courts of Maal Adawlut or Revenue Courts), obstacles equally great existed to the prosecution of the appeal which lay in such cases to the Board of Revenue and the Governor-General in Council, in addition to the further impediments occasioned by the irregularity in the process, and the defects in the constitution of the Revenue Courts. The jurisdiction of the Courts of Dewanny Adawlut established in the several zillahs, and the cities of Patna, Dacca, and Moorshedabad, being now extended not only to the causes which were cognizable in the Courts of Maal Adawlut, but to civil suits of all descriptions between individuals, and under certain restrictions, between Government and its subjects: and it being essential to the prosperity of the country, that all persons, especially the cultivators of the soil, the traders, and manufacturers, and the other classes of the lower and most industrious orders of the community in the different parts of the provinces, who may be dissatisfied with the decisions of those courts, should have an appeal to a higher court to which they can have ready access, and that this court should be so constituted, that they may look up to it with confidence for speedy redress against unjust or erroneous decisions, the Governor-General in Council has enacted as follows:

Four Provincial Courts of Appeal established.

Places at which the four courts are to be established, and their respective denominations.

Three judges to be appointed to each court.

Their official appellations.

II. *Four courts of appeal shall be established, one in the vicinity of Calcutta, one at the city of Patna, one at the city of Dacca, and one at the city of Moorshedabad, to be denominated respectively, the Provincial Court of Appeal for the division of Calcutta, Patna, Dacca, and Moorshedabad. Each court is to be superintended by three judges, who are to be styled, the first, second, and third judge of the court to which they may be appointed.* Every judge, previous to entering upon the execution of the duties of his office, is to take and subscribe the following oath before the Governor-General in Council, or any person whom he may commission to administer it.

See Sec. iv. Reg. II. 1801; Sec. iii. Reg. III. 1829; and Act XXI. 1837.

Oath to be taken by the judges.

"I, A. B., appointed judge of the *Provincial Court of Appeal for the division of* ———, solemnly swear, that I will administer justice conformably to the Regulations that have been, or may be passed by the Governor-General in Council, according to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward; that I will not receive, directly or indirectly, any present or nuzzer, either in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the *Court of Appeal* of which I am appointed a judge; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court; that I will render a true and faithful account of all sums of money that may be paid into the court, or disbursed from it; that I will not be concerned, directly or

indirectly, in the purchase of goods or commodities in the British dominions in Bengal for the purpose of remitting money to Europe, or in any commercial transactions; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive: So help me God."

III. IV. and V. [Local jurisdiction and seals of the four Provincial Courts.]—*Superseded by the Abolition of those Courts.*

Provincial Courts to try cases referred to them by the Sudder Dewanny Adawlut or the Governor-General in Council, and to order their decree to be enforced by the Zillah or City Courts.

VI. The *Provincial Courts of Appeal* are empowered to try and determine, in the first instance, any suit or complaint, or any matter whatever of a civil nature, which may be transmitted to them for that purpose by the Governor-General in Council, or by the Sudder Dewanny Adawlut, and to order the decree which they may pass to be executed by the *judge of the proper Zillah or City Court*, in the same manner as the decrees of the Zillah and City Courts are directed to be enforced.

See Act V. 1836.

Cases in which the Provincial Courts of Appeal are empowered to refer original suits to the Zillah or City Courts to be tried and determined.

Suit or complaint to be dismissed, if the party preferring it shall omit or refuse to proceed in it for six weeks.

Judge to notify the dismission of the suit to the Provincial Court.

VII. *The Provincial Courts of Appeal are empowered to receive any original suit or complaint, which may be cognizable in any Zillah or City Court within their respective jurisdictions, and to command the judge of such Zillah or City Court, by a precept under the seal of the court and attested by the register, to receive the suit or complaint, and to proceed to hear and determine it, provided proof shall be previously made to their satisfaction, that the judge refused or omitted to receive or proceed in it. If the plaintiff shall refuse or neglect to proceed in the suit or complaint for the space of six weeks after the order of the Provincial Court of Appeal may be received by the Zillah or City Court, the judge is authorized to dismiss it, notwithstanding the order of the Provincial Court of Appeal. In such cases, the judge, within one week after the dismission of the suit, is to certify to the Provincial Court of Appeal, under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of the dismission.*

See Acts XXIX. 1841, & XVI. 1845.

VIII. [In what cases Provincial Courts may receive petitions respecting matters depending in Zillah Courts.]—*Rescinded by Section V. Regulation II.* 1798.

Courts of Appeal not to correspond with parties in suits, or any person, respecting matters cognizable in the court.

IX. The *Provincial Courts of Appeal* are prohibited corresponding by letter with parties in suits, or process, or matters, depending before them or coming within their cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person and represent the matter in writing, or make the representation in writing through an authorized vakeel. The court are to pass whatever order upon the representation may appear to them proper consistently with the Regulations, and to cause a copy of the order to be delivered to the person making the representation, or to his vakeel, under the seal of the court and attested by the *register*. The *Provincial Courts of Appeal* are also prohibited corresponding by letter with the *judges of the Zillah or City Courts*, respecting any cause or matter before them, or upon any matters whatever on which they may not be specially empowered so to correspond.

Provincial Courts of Appeal prohibited corresponding by letter with the judges of the Zillah and City Courts.

When they shall have occasion to issue an order to the *judge of any Zillah or City Court*, or require information from him on the subject of any suit or matter before them, the court are to issue a precept, under their seal and the signature of the *register*, commanding the *judge* to execute the order, or requiring him to furnish the information; and the *judge* to whom the precept may be directed is to perform the exigence of it, or return good and sufficient reason why he has not done it.

Provincial Courts of Appeal empowered to receive charges of corruption which may be preferred to them against the judges of the Zillah or City Courts.

Rules to be observed in receiving such charges.

X. [*If any person shall charge the judge of a Zillah or City Court, before the Provincial Court of Appeal of the division, with having been guilty of corruption in opposition to his oath, the Provincial Court is to receive the charge and forward it to the Sudder Dewanny Adawlut; provided the complainant shall previously make oath to the truth of the charge (or subscribe the required declaration if he shall be of the description of persons whom the court is empowered to exempt from taking oaths), and give security, in whatever sum the court may judge proper, to appear and prosecute the charge when required. Unless the complainant shall take the oath, or subscribe the above-mentioned declaration and give the required security, the court is not to receive the charge.*] In all other cases not expressly provided for in this Regulation, in which it shall appear to the *Provincial Courts of Appeal* that the *judges of the Zillah or City Courts* have been guilty of negligence or misconduct in the discharge of their duty, they are to report the circumstances to the Sudder Dewanny Adawlut.

Rescinded by Sec. ii. Reg. X. 1806; and Sec. i. Act XXVI. 1839.

Provincial Courts to report to the Sudder Dewanny Adawlut all cases of misconduct or neglect in the judges, not expressly provided for by this Regulation.

See Sec. xxvi. Reg. V. 1831.

By what rules the Provincial Courts are to proceed in cases referred to them for trial in the first instance, and in appeals referred to them from the decisions of the Zillah and City Courts.

XI. *In suits or complaints which may be transmitted by the Governor-General in Council or the Sudder Dewanny Adawlut, to be tried and determined by the Provincial Courts of Appeal, and also in appeals from the decisions of the Zillah and City Courts (except as to hearing witnesses and receiving evidence), the Provincial Courts are to proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the Zillah and City Courts.*

Persons deeming themselves aggrieved by the decision of any Zillah or City Court, at liberty to appeal to the Provincial Court of Appeal.

What the petition of appeal is to contain.

XII. *Any person who may consider himself aggrieved by the decision of a Zillah or City Court, is permitted to appeal from it, by petition to the Court of Appeal within the jurisdiction of which the court wherein the decision shall have been passed may be situated.* The petition is to state (respect being had to the matter decreed) the annual produce of the lands, whether lakheraje or malguzarry, the sum of money or the value of the property which may be decreed, the name of the person in whose favour the decree may be given, the court in which it may have been passed, when it was made, what was decreed by it, and whether the decree has been executed; *and is to assign some cause, special or general, for appealing from the decision. The petition is to be accompanied with an attested copy of the decree of the Zillah or City Court, or by a written declaration, signed by the party desirous to appeal, or his vakeel, that ten days after the decision was passed he applied to the judge of the court for a copy of the decree, and was denied it. The petition is to be presented to the court in which the decree appealed against may have been passed, or to the Provincial Court of Appeal of the division in which such court may be situated, within three calendar months after the day on which the decree may be given. But it shall nevertheless be permitted to such person to prefer his petition of appeal to the Provincial*

See 8, Sched. B, Reg. X. 1829.

Petition of appeal to be accompanied with a copy of the decree, or a written declaration from the party or his vakeel, that he applied for a copy of the decree within ten days, and was denied it.

Period limited for preferring appeals.

Cases in which the Provincial Court may admit appeals after the limited time.

See Sec. xlvi. Reg. XXIII. 1814; and Cl. 10, Sec. viii. Reg. XXVI. 1814.

See Sec. ii. Reg. VII. 1832; and Sec. ix. Act XXV. 1837.

Court of Appeal after the expiration of the three months, and the court is authorized to admit the appeal, provided the petitioner can show just and reasonable cause, to their satisfaction, for not having preferred it within the limited period. But whenever a Provincial Court of Appeal shall admit an appeal which may be preferred to them after the limited time, they are to enter upon the record of the trial their reasons at large for admitting the appeal.

Court to record their reasons for admitting an appeal after the limited time

Superseded by Sec. xi. Reg. XIII 1808

If the petition of appeal shall be against a decree, whereby the right of possession of any zemindarry, independent or dependent talook, or any land or house, or other real property, shall be decreed to the plaintiff, all proceedings are to be immediately suspended, and no execution is to be had, or possession given under the decree, until the appeal shall have been finally determined in the Provincial Court of Appeal, provided the party against whom the decree may be passed shall enter into good and sufficient security, in a sum equal to one year's amount of the annual produce of the zemindarry, talook, or other land, or house, or real property, which shall have been decreed, to abide by and perform whatever order may be passed in the Provincial Court of Appeal.

Execution of decrees for real property passed in favour of the plaintiff, to be suspended upon the appellant giving the security herein specified.

But if the party appealing shall neglect or refuse to enter into such security, on or before the court-day next after the day on which the appeal may be preferred, the court by which the decision may have been passed is to order the decree to be executed.

Such decrees to be executed upon the appellant failing to give the required security.

Modified by Sec ii. Reg. XIII 1796, and Sec. xii Reg. XIII 1808.

In all other cases, the *Zillah or City Court* in which the decree may have been passed, may order the decree appealed against either to be carried into execution, or direct that sufficient security be given by the party against whom the decree may have been passed, in an amount equal to the sum of money or the value of the thing decreed, for the performance of the decree. If the *Zillah or City Court* shall order the decree to be executed, security is to be taken from the party in whose favour the decree may be passed, in a sum of money equal to the amount or value of the thing decreed, for the due performance of such order or decree as may be made in the *Provincial Court of Appeal.*

In all other cases, the court may either execute the decree appealed against, or take security from the appellant for the performance of it.

If the court shall order the decree to be executed, security to be taken from the party in whose favour it may be made, for the performance of the decree of the *Provincial Court.*

Rescinded by Sec. ix. Reg. II. 1798.

In all cases, however, the party appealing is to give good and sufficient security, in such sum as to the Zillah or City Court may seem proper upon a consideration of the amount or value of the property or thing decreed (provided that the security so to be taken be not, in any case, for a greater sum than five hundred rupees), for the payment of the costs that the Provincial Court of Appeal may judge it proper to award, and for the performance of the decree which it may pass.

In all cases, however, the appellant to give the security herein required.

When the securities hereby required shall have been entered into, the Judge of the court is immediately to endorse on the petition, in his own handwriting, the day of the month and year in which it was presented, and sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the court, the word "appealed," and transmit the petition to the *Provincial Court of Appeal.* The court is, at the same time, to direct notice in writing to be given to the appellant, that within fifteen days the proceedings held in the cause appealed will be certified to the *Provincial Court of Appeal*, and that if he shall not proceed in the appeal within six weeks after it shall have been filed in the *Provincial Court*, his appeal will be dismissed, unless he shall show reasonable cause, to the satisfaction of the *Provincial Court*, for not having proceeded in it.

When the appellants have entered into the securities required, the judge is to make the endorsement herein required on the petition; to transmit it to the *Provincial Court of Appeal*; to notify to the appellant that the proceedings will be certified to the *Provincial Court* in fifteen days; and that if he shall not proceed in the appeal in six weeks from the date of its being filed in the *Provincial Court*, it will be dismissed.

XIII. The *judge of the Zillah or City Court*, within fifteen days after the receipt of the appeal, is to certify, under his hand and the seal of the

Record, including original papers in the cause appealed, to be

transmitted to the *register to the Provincial Court* in fifteen days after the receipt of the appeal

Copies of all the original papers transmitted to be attested by the serishtadar, and deposited amongst the records of the court.

Copies to be deemed records of court, and to be received in evidence.

Copies of original papers to be sent to the *Provincial Court*, where the originals cannot be sent for the reasons herein specified.

court, to the *register* of the *Provincial Court of Appeal*, the record duly made up and authenticated, including the original complaint, answer, replication, and rejoinder of the parties, the original depositions, exhibits, and every original paper read in the cause. Previous to transmitting the above-mentioned papers to the *Provincial Court of Appeal*, he is to cause true and faithful copies of all the originals, authenticated by the serishtadar or the head native officer of the court, to be made out and deposited in the *Zillah or City Court*, in lieu of the originals. The copies are to be deemed records of the court, and are to be received in evidence in any other *Zillah or City Court*. In cases where any original deposition, or other original proceedings or matter whatsoever, shall have been previously entered in any *Zillah or City Court*, in any book which may likewise contain either proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the *Provincial Court of Appeal* without the other proceedings or matters, the judge of the *Zillah or City Court*, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But he is, nevertheless, to transmit the original complaint, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been delivered in or produced by the parties, and read in the course of the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the judge is to transmit a copy of it to the *Provincial Court of Appeal*, and in like manner to certify it, and that the original, after due search, cannot be found.

Modified by Sec. viii Reg IX. 1831.

Recorded copies of original papers not forthcoming, to be deemed the originals, and copies of them to be forwarded and certified as herein required.

Cases in which the Provincial Courts are empowered to order the Zillah or City Courts to suspend the execution of decrees, appeals from which may be presented to them in the first instance.

XIV. *If a petition of appeal shall be presented, in the first instance, to the Provincial Court of Appeal against any decree of a Zillah or City Court, whereby the right to any zemindarry, independent or dependent talook, or any land or house, or other real property, shall have been decreed to the plaintiff in the original cause, and no execution shall have taken place, or possession been given under the decree of the Zillah or City Court, provided the party against whom the decree may have been passed shall have entered into good and sufficient security, in a sum equal to one year's amount of the annual produce of the zemindarry, talook, land, or house, or other real property, which shall have been so decreed, to abide by and perform whatever order may be passed in the Provincial Court of Appeal, the court is to issue an order to the judge of the Zillah or City Court the decree of which shall be appealed against, to suspend the execution of it until the appeal shall have been finally determined. And in every case where a petition of appeal shall be preferred, in the first instance, immediately to the Provincial Court of appeal, and no security shall have been taken by the Zillah or City Court, the Provincial Court is not to proceed in the appeal, until the party appealing shall have entered into such security as he would have been required to have given had he preferred his petition of appeal to the Zillah or City Court.*

Modified by Sec. xi. Reg. XIII 1808.

See Regs. XIII. 1796, XII. 1798, and Sec. x. Reg. II. 1798; and Secs. xlvi. and lxxiii. Reg. XXIII. 1814.

All process of the Provincial Courts of Appeal (with the ex-

XV. *All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever, which*

may issue from the Provincial Courts of Appeal, whether originating with the Provincial Courts or issued pursuant to orders from the Sudder Dewanny Adawlut, is to be written or printed in the Persian and Bengal languages, in Bengal and Orissa, and in the Persian language, and the Hindostanee language and Nageree character, in Behar, and sealed with the seal of the Provincial Court and signed by the register. All such process, rules, and orders, which are to be served or executed on any parties, witnesses, or persons (exclusive of the parties, vakeels, or persons in actual attendance on the court), are to be directed to the judge of the Zillah or City Court in which the cause of action shall originally have arisen, or in whose jurisdiction the lands may be situated, or the parties may be or reside. Every such process, rule, and order, is to limit a certain time in which it is to be served, executed, and returned to the Provincial Court of Appeal. If a judge of a Zillah or City Court, to whom any process, rule, or order whatever may be directed, shall wilfully disobey, or neglect to perform the commands contained in it, or make a false return, the Provincial Court are positively enjoined to report immediately such disobedience, neglect, or false return, to the Sudder Dewanny Adawlut, and the judge so offending shall be liable to be suspended from his office by the Sudder Dewanny Adawlut. If the Sudder Dewanny Adawlut should suspend the judge, they are to notify the suspension to the Governor-General in Council within ten days after it may take place, together with the cause of it; and certify under the seal of the court, the proceedings, depositions, and exhibits, and all other matters which may be necessary to enable the Governor-General in Council to pass a determination upon the suspension, and to transmit to him, on his requisition, any further papers and proceedings, respecting the cause, which he may deem necessary for his information.

ception herein specified) to be issued through the Zillah and City Courts.

See Act XXIX. 1837.

See Sec. v. Reg. VI. 1843.

Provincial Courts of Appeal enjoined to acquaint the Sudder Dewanny Adawlut whenever the Zillah or City Courts refuse or omit to obey or to conform to their process or requisitions.

See Sec. xxvi. Reg. V. 1831.

Judges of the Zillah and City Courts liable to be suspended by the Sudder Dewanny Adawlut for such offences.

Sudder Dewanny Adawlut to report to the Governor-General in Council the suspension of judges under this article within ten days.

See Act V. 1836, and Sec. v. Act VI. 1843.

XVI. In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in a *Provincial Court of Appeal*, which may be directed by such court to the *judge* of a *Zillah or City Court*, the *judge* to whom the process may be directed is to execute the order contained in the process, rule, or order, and return it, so executed, within the time limited, or return to the *Provincial Court* good and sufficient reason why it has not been served or executed. When any process, rule, decree, or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the *Provincial Court of Appeal* to the *judge* of a *Zillah or City Court*, to be served or executed, the return to such process, rule, order, or decree, is to be made by the *judge* of the *Zillah or City Court*, either by endorsement on the process, rule, order, or decree, or to be written on a paper firmly annexed to it; and if the return be made in the last-mentioned manner, there is to be an endorsement on the process, rule, order, or decree, referring the *Provincial Court of Appeal* to the return contained on such annexed paper, and the *judge* is to cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the records of his court. And in all cases in which the *Provincial Court of Appeal* shall transmit any order or process to be served or executed by the *judge* of a *Zillah or City Court* against a party in a cause, and the party on whom it is to be served or executed is not, after diligent search, to be found, or shall have absconded or shut himself up in his own or any house or building, or retired to any place

Process of the *Provincial Courts*, how to be served by the *judges* of the *Zillah and City Courts*.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

Judge is to cause a copy of the process and return to be deposited amongst the records of the court.

Judge how to proceed, in case any such process cannot be served upon the party, in consequence of his absconding or otherwise avoiding it.

Judge to fix up a writing in his court-room and at the place of residence of the party.

so that the process cannot be served upon him, the *judge* to whom the process is directed is to cause to be stuck up in some conspicuous part of the room in which the court may be held, a writing (in the Persian and Bengal languages, if it be in Bengal or Orissa, and in the Persian language, and the Hindostanee language and Nagoree character, if it be in Behar), containing a copy of the order or process, and a notice, that if the party shall not obey the exigence of it within the time limited, the *Provincial Court of Appeal* will, without further notice, process, or order, proceed ex-parte to hear, try, and determine the cause to which such process or order may relate; and the *judge* is likewise to cause a copy of such writing to be stuck up, with all practicable dispatch, on the outer door of the house in which the party may have usually dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return to the *Provincial Court of Appeal*, in the manner before directed, how he has executed the process.

See Act XXIX. 1837.

What the writing is to contain

Provincial Courts to proceed ex-parte, when the *Zillah or City Courts* report that a party has absconded, or was not to be found, after the forms herein directed have been observed.

XVII. If the judge of a *Zillah or City Court*, to whom any process, rule, or order of a *Provincial Court of Appeal* may be transmitted, that it may be served or executed on any party, shall return that the party has absconded or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or was not after diligent search to be found, and that he had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule, or order, the *Provincial Court* is to proceed ex-parte to try and determine the cause in which the process, rule, or order shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Cases in which the *Provincial Courts of Appeal* are empowered to take new evidence in appeals, or to refer them back for further evidence to the *Zillah or City Courts*.

XVIII. The *Provincial Courts of Appeal* are empowered in cases of appeals, in which it shall appear to them that the original suit has not been sufficiently investigated in the *Zillah or City Court*, or for any other cause that may be deemed reasonable by the *Provincial Court*, either to receive such further evidence as they may think necessary for the just determination of the suit, and to give judgment upon it, or to refer the suit back to the *Zillah or City Court* in which it originated, accompanied by such special directions to the *judge* with regard to the new evidence he is to receive respecting it, as may be deemed by the court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the *Provincial Courts* may exercise the power above vested in them by this section, they are to enter upon the record of the trial their reasons for having exercised it. In cases in which the court may judge it proper to receive such further evidence themselves, they are empowered, according as they may deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced, vivâ voce, in open court, causing the witnesses to be first *sworn*, and their depositions to be reduced into writing and signed by the deponents respectively, or to authorize their *register* to *swear* the witnesses and take their depositions, and to cause the deponent to sign them, and to authenticate them with his signature. The *register*, in such case, is to examine the witnesses in the presence of both parties or their vakeels, who are to be at liberty to put any questions to the witnesses that

Provincial Courts to state their reasons upon the record of the trial, whenever they may exercise the powers above vested in them.

Courts empowered to hear the evidence in the cases above specified vivâ voce, or to order their *register* to take it.

See Cl. 1, Sec. xi. Reg. XXIV. 1814.

they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed and authenticated. But if due notice be given to the parties or their vakeels, of the examination of any witness or witnesses before the *register*, and he or they shall not attend at the time of the examination, the *register* is to proceed in the examination as before directed, and the depositions are to be received as good and authentic evidence.

Cases in which the Provincial Courts may dispense with the oaths of witnesses,

or direct their evidence to be taken by commission.

See Act V. 1840.

Rescinded by Sec. i. Act VII. 1841.

XIX. *The Provincial Courts of Appeal may dispense with the oaths of such descriptions of witnesses as the Zillah and City Courts are authorized to exempt from taking of oaths, on their signing the declarations in open court, which are required to be subscribed by such witnesses in the Zillah and City Courts. Where witnesses may be women of the description specified in Section VI. Regulation IV.* 1793, [*or shall reside out of the jurisdiction of the court, and at a distance from it exceeding fifty coss,*] *the court may grant such commissions as the Zillah and City Courts are authorized to grant, for the examination of such witnesses upon similar occasions. And the Provincial Courts of Appeal may issue such commissions to creditable women,* [*and send such letters to the judges of the Zillah and City Courts for the examination of witnesses,*] *in the cases in which the judges of the Zillah and City Courts are authorized to send such commissions* [*and letters*].

Provincial Courts how to proceed where witnesses do not attend, or refuse to be sworn or to give evidence, or sign their deposition, or any persons are guilty of contempt of court or perjury.

XX. *If a witness duly summoned shall not attend, or attending shall refuse to be sworn or to give evidence, or to subscribe his deposition, or if such witness, or any person, shall be guilty of wilful or corrupt perjury in a cause depending in the court, or any contempt of court in open court, the Provincial Courts of Appeal are to proceed with such witness, or person, in the same manner as the Zillah and City Courts are authorized to deal with witnesses, or persons, in like manner offending.*

See Acts XXIX. 1841, and XVI. 1845.

Court to dismiss appeals, if the appellants omit to proceed in six weeks, without showing sufficient cause for the omission.

Reasons for the dismission of the appeal to be recorded.

XXI. If the appellant in an appeal filed in the *Provincial Courts of Appeal* shall not proceed in the appeal for six weeks, the appeal is to be dismissed, unless the appellant shall show reasonable cause, to the satisfaction of the court, for not proceeding in it; and the court may, if they shall deem it equitable so to do, award to the respondent costs of suit. But in all such cases, the court are to enter at large upon their proceedings the grounds upon which they may permit or refuse to allow the appellant to proceed.

No persons to be heard vivâ voce in any stage of the cause, excepting principals, their witnesses, or their vakeels duly empowered.

XXII. *In suits that may be referred by the Governor-General in Council, or the Sudder Dewanny Adawlut, to the Provincial Courts of Appeal, and in appeals which may be preferred to those courts, no proceedings are to be held, either on behalf of the plaintiff or defendant, or any acts whatever done, either on behalf of the appellant or respondent, except by the plaintiff or defendant, the appellant or respondent themselves, or by a vakeel admitted to plead in the court under* [*Regulation VII.* 1793;*] *nor by any vakeel, before his vakalutnamah shall have been filed in the court; and no persons, excepting such parties or their witnesses, or such vakeels, shall be heard vivâ voce in any stage in the cause.*

* Rescinded by Section II. Regulation XXVII. 1814, and substitute Act I. 1846.

XXIII to XXVI. [Resistance to process of Provincial Courts.]—*See the identical provisions, Secs. XXII. to XXV. Reg. IV.* 1793.

Provincial Courts empowered to order the Zillah and City Courts to enforce decrees for sums of money against proprietors of land, by the same process as they enforce such decrees passed by themselves.

See Acts V. 1836, and V. and VI. 1843.

XXVII. *The Provincial Courts of Appeal are empowered, in every case in which a sum of money is decreed to be paid by a zemindar, independent talookdar, or other actual proprietor of land, to issue an order to the proper Zillah or City Court to execute the decree, in the same manner as the Zillah and City Courts are authorized to execute decrees, by which a sum of money may be decreed to be paid by any of the descriptions of persons above mentioned.*

Petitions of appeal from decisions founded on awards of arbitrators, to be dismissed with costs.

Exception to the rule.

XXVIII. If a petition of appeal shall be preferred against the decision of any *Zillah or City Court*, founded on an award of arbitration, it is to be dismissed with costs; unless it be fully proved to the satisfaction of the court, by the *oaths* of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality, in the cause in which they have made the award.

Proceedings of the *Provincial Courts* how to be numbered, marked, dated, and signed.

Decrees to be signed by the judges, and attested by the *register*, and copies to be delivered to the parties.

XXIX. The petition of appeal, pleadings, depositions, and exhibits, in the *Provincial Courts of Appeal*, are be numbered, marked, dated, and signed by the *register*, in the same manner as the complaint, pleadings, depositions, and exhibits are ordered to be numbered, marked, dated and signed, by the *register* in the *Zillah and City Courts*. The decrees are to be signed by the judges present in court when the decrees may be passed, and attested by the *register*, and copies so signed and attested are to be delivered to the parties.

Cases in which the decrees of the Provincial Courts of Appeal are to be final.

Superseded by Sec. xxviii. Reg. V. 1831.

XXX. *The decrees of the Provincial Courts of Appeal are to be final, in all suits in which the decree may be for land, or other real property being lakheraje (or exempted from the payment of revenue to Government), the annual produce of which shall not exceed one hundred sicca rupees: or for any zemindarry, independent talook, or other landed estate being malguzarry (or paying revenue to Government), where the produce shall not exceed one thousand sicca rupees per annum; or for any dependent talook, the annual produce of which shall not be more than one thousand sicca rupees; and in all other cases where the decree shall be for a sum of money or personal property, or real property not of the descriptions before mentioned, the amount or value of which shall not exceed the sum of one thousand sicca rupees.*

XXXI. [Provincial Courts not to require translates from Zillah or City Courts.]—*Rescinded by Sec. II. Reg. XIX.* 1797.

Courts how to act in cases for which no rule may exist.

XXXII. In cases for which no specific rules may exist, the *Provincial Courts of Appeal* are to act according to justice, equity, and good conscience.

A.D. 1793. REGULATION VI.

Reg. VI. 1793.

A REGULATION *for extending and defining the Powers and Duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the Decisions of the Provincial Courts of Appeal:* PASSED *by the Governor-General in Council on the 1st May,* 1793.

I. THE extension of the powers of the Zillah and City Courts of Dewanny Adawlut, or Courts of Judicature established in the several zillahs, and in the cities of Patna, Dacca, and Moorshedabad, for the trial of civil suits in the first instance, by Regulation III. 1793, and the erection of the four Provincial Courts of Appeal, by Regulation V. 1793, having rendered it necessary to extend the powers of the Sudder Dewanny Adawlut, or Court of Appeal in the last resort in civil suits, and to modify the late Regulations prescribed for its guidance, in conformity to the principles upon which the courts subordinate to it have been constituted, the following rules have been enacted.

Rescinded by Sec. ii. Reg. II. 1801.

II. [*The Court of Sudder Dewanny Adawlut is to consist of the Governor-General and the other members of the Supreme Council.*]

Court to consist of the Governor-General and the other members of the Supreme Council.

III. The court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect, in the Persian and Bengal characters and languages, and in the Hindostanee language and Nageree character: "The seal of the Sudder Dewanny Adawlut." The court is to be held in a large and convenient room at Calcutta, and to sit de die in diem as the dispatch of business may require, and is empowered to make such reasonable adjournments as may be deemed expedient consistently with the business. No rule, order, proceeding, or decree is to be made but on court days, and in open court.

Seal of the court.

Court to be held in Calcutta.

To sit de die in diem, and to make reasonable adjournments.

No decree, order, &c. to be made but on court days, and in open court.

IV. *First.* The Sudder Dewanny Adawlut is empowered to receive any original suit or complaint which may be cognizable in any Zillah or City Court, and to command the judge of such court, by a precept under the seal of the court, and attested by the register, to receive the suit or complaint, and to proceed to hear and determine it, provided proof shall be previously made to their satisfaction that the judge refused or omitted to proceed in it, *and that the complainant applied to the Provincial Court of Appeal of the division, and that such court omitted or refused to command the judge to receive or proceed in it under Section VII. Regulation V.* 1793. If the plaintiff shall refuse or neglect to proceed in the suit or complaint for the period of six weeks after the order of the Sudder Dewanny Adawlut may be received by the Zillah or City Court, and notified to the complainant, the judge is authorized to dismiss it, notwithstanding the order of the Sudder Dewanny Adawlut. In such cases, the judge, within one week after the dismission of the suit or complaint, is to certify to the Sudder Dewanny Adawlut, under his hand and the seal of

Cases in which the Sudder Dewanny Adawlut is empowered to refer original suits or complaints to the Zillah or City Courts.

Suit or complaint to be dismissed, if the party preferring it shall refuse or omit to proceed in it for six weeks.

Judge to notify the dismission of the suit to the Sudder Dewanny Adawlut.

the court, that the suit or complaint has been dismissed, and the grounds of the dismission.

Second. [Court how to proceed on petitions respecting suits or matters in Zillah Courts.]—*Rescinded by Sec. V. Reg. II.* 1798.

Cases in which the Sudder Dewanny Adawlut is empowered to refer appeals to the *Provincial Courts* to be tried and determined.

V. *First.** The Sudder Dewanny Adawlut is empowered to receive any appeal from a decision of a *Zillah or City* Court which may be cognizable in any *Provincial Court of Appeal*, and to command such *Provincial Court*, by a precept under the seal of the court and attested by the register, to receive the appeal, and to proceed to hear and determine it; provided proof shall be previously made, to their satisfaction, that the *Provincial Court* omitted or refused to receive or proceed in it. If the appellant shall refuse or omit to proceed in the appeal for the period of six weeks after the order of the Sudder Dewanny Adawlut may be received by the *Provincial Court*, and notified to him, the *Provincial Court* is empowered to dismiss it, notwithstanding the order of the Sudder Dewanny Adawlut. In such cases, the *Provincial Court*, within one week after the dismission of the appeal, is to certify to the Sudder Dewanny Adawlut, under their hands and the seal of the court, that the appeal has been dismissed, and the grounds of the dismission.

Appeal to be dismissed, if the appellant shall omit or refuse to proceed in it for six weeks

Provincial Court to notify the dismission of the appeal to the Sudder Dewanny Adawlut.

Second. [Court how to proceed on petitions respecting suits or matters in Provincial Courts.]—*Rescinded by Sec. II. Reg. V.* 1798.

Sudder Dewanny Adawlut not to correspond with parties in suits, or any person, respecting matters before the court or cognizable by it.

VI. The Sudder Dewanny Adawlut is prohibited corresponding, by letter, with parties in suits or process, or matters depending before them or coming within their cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person, and represent the matter in writing, or to make the representation in writing through an authorized vakeel. The court are to pass whatever order, upon the representation, may appear to them proper consistently with the Regulations, and to cause a copy of the order to be delivered to the person making the representation, or to his vakeel, under the seal of the court and attested by the register.

In trying matters in the first instance, and in appeals, the Sudder Dewanny Adawlut to be guided by the rules prescribed to the Zillah and City Courts.

Exception to the rule

VII. In matters which the Sudder Dewanny Adawlut may be empowered by any Regulation to try in the first instance, and also in appeals that may be preferred to the court from decisions of the *Provincial Courts of Appeal* (excepting as to hearing witnesses and receiving evidence), the court is to proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the Zillah and City Courts.

VIII. [Court how to proceed on charges of corruption against judges of the Provincial or Zillah Courts.]—*Rescinded by Sec. II. Reg. X.* 1806, *and by Sec. I. Act XXVI.* 1839.

Cases in which the court may decide upon appeals from decisions

IX. *First. The Sudder Dewanny Adawlut are empowered to hear and determine appeals in the following cases. From decisions in suits or matters*

Extinct.

* This will now apply to the case of appeal to the Zillah Courts from the subordinate courts.

of a civil nature, which may have been passed by the chief and other members of any provincial council or committee, or any member or members of such council or committee, as a Court of Appeal, where the decisions shall have been passed on or before the 6th of April, 1781, and the petition of appeal shall have been presented to the Sudder Dewanny Adawlut, or to the President and Council, or the Governor-General and Council, on or before the 1st of February, 1782. From decisions passed by the late Committee of Revenue or the Board of Revenue, between the 6th April, 1781, and the 1st May, 1793, either in suits that may have been tried and decided in the first instance by them, or in appeals from decisions of the collectors, or any covenanted civil servant of the Company entrusted with the collection of the revenue of any district, where a petition of appeal shall have been presented to that committee or board, or to the Governor-General and Council, or the Governor-General in Council, within one month after the decree shall have been passed. Provided, however, that if the appellant in the cases specified in this clause shall have merely filed a petition of appeal, and shall have omitted to proceed in the appeal for six weeks, the court are to dismiss the appeal, unless the appellant shall show good and sufficient cause, to their satisfaction, for not having proceeded in it.

of courts or boards having appellate jurisdiction, passed on or before the 6th April, 1781, or

subsequent to the 6th April, 1781, and previous to the 1st May, 1793.

Second. The Sudder Dewanny Adawlut is empowered to admit and determine any appeal that may be preferred to them after the periods limited in Clause First, provided the person presenting it can show just and reasonable cause, to the satisfaction of the court, for not having preferred the appeal within the limited periods. But the court is to exercise with caution the power vested in it by this clause and Clause First, of trying or admitting appeals from decisions after the lapse of the time limited for trying or admitting them, lest all property held under such decisions should be deemed insecure from being considered liable to be again contested; and in every case in which they may judge it proper to agree, or to refuse, to try, or admit such appeals, they are to record their reasons at large for so doing on their proceedings.

Cases in which the court may receive appeals from such decisions, although not presented within the periods specified in Clause First.

Court to exercise the power herein specified with caution.

Reasons for every exercise of the powers herein specified to be recorded on the proceedings.

Third. The court are empowered to confirm or reverse, in whole or in part, the decrees, appeals from which they may try under Clause First and Second, as also all other decrees from which they are or may be authorized to receive appeals, and to make such further order on all such decrees, as justice, equity, and good conscience may require, and award such costs to either party as they may deem reasonable.

What decision the court may pass in appeals of any description which they may be empowered to try.

Superseded by Sec. xx viii. Reg. V. 1831.

X. [*If any person shall deem himself aggrieved by the decree of a Provincial Court of Appeal that may be passed subsequent to the 1st May, 1793, for land or other real property being lakheraje (exempted from the payment of revenue to Government), the annual produce of which shall exceed one hundred sicca rupees, or for any zemindarry, independent talook, or other landed estate, being malguzarry (paying revenue to Government), where the produce shall exceed one thousand sicca rupees per annum, or for any dependent talook, the annual produce of which shall be more than one thousand sicca rupees, and in all other cases where the decree shall be for a sum of money, or personal property, or real property not of the descriptions before mentioned, the amount or value of which shall exceed one thousand sicca rupees, such person shall be at liberty to appeal from the decision to the Sudder Dewanny Adawlut by petition of appeal.*] The petition is to state

From what decrees of the Provincial Courts of Appeal an appeal is to lie to the Sudder Dewanny Adawlut.

(respect being had to the matter decreed) the annual produce of the land, whether lakheraje or malguzarry, the sum of money or the value of the property which may be decreed, the name of the person in whose favour the decree may be given, the court in which it may have been passed, when it was made, what was decreed by it, and whether the decree has been executed; and is to assign some cause, special or general, for appealing from the decision. The petition is to be accompanied with an attested copy of the decree of the *Provincial Court of Appeal*, or by a written declaration, signed by the party desirous to appeal, or his vakeel, that ten days after the decision was passed he applied to the court for a copy of the decree and was denied it. The petition is to be presented to the court in which the decree appealed against may have been passed, or to the Sudder Dewanny Adawlut, within three calendar months after the day on which the decree may be given. But it shall nevertheless be permitted to such person to prefer his petition of appeal to the Sudder Dewanny Adawlut after the expiration of the three months; and the court are authorized to admit the appeal, provided the petitioner can show just and reasonable cause, to their satisfaction, for not having preferred it within the limited period. But whenever the Sudder Dewanny Adawlut may admit or reject an appeal which may be preferred to them after the limited time, they are to enter upon their proceedings their reasons at large for so doing, and in admitting such appeals, they are to observe the caution prescribed in Clause Second, Section IX. with regard to the trial or admission of the appeals therein alluded to, after the limited period. If the petition of appeal shall be against a decree whereby the right of possession of any zemindarry, independent or dependent talook, or any land or house, or other real property, shall be decreed, and the party cast shall be in possession of the property at the time the decree may be made, all proceedings are to be immediately suspended, and no execution is to be had, or possession given under the decree, until the appeal shall have been finally determined in the Sudder Dewanny Adawlut; provided such party shall enter into good and sufficient security, in a sum equal to one year's amount of the annual produce of the zemindarry, talook, or other land or house, or real property, which shall have been decreed, to abide by and perform whatever order may be passed by that court. But if such party shall neglect or refuse to enter into the prescribed security, on or before the court-day next after the day on which the appeal may be preferred, the court by which the decision may have been passed is to order the decree to be executed. In all other cases, the *Provincial Court of Appeal* may order the decree appealed against to be carried into execution, or direct that sufficient security be given by the party against whom the decree may have been passed, in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree. If the *Provincial Court* shall order the decree to be executed, security is to be taken from the party in whose favour the decree may be passed, in a sum of money equal to the amount or value of the thing decreed, for the due performance of such order or decree as may be made in the Sudder Dewanny Adawlut. [*In all cases, however, the party appealing is to give good and sufficient security in such sum as to the Provincial Court may seem proper upon a consideration of the amount or value of the property or thing decreed (provided that the security so to be taken be not in any case for a greater*

Petition of appeal to be accompanied with a copy of the decree, or a written declaration from the party or his vakeel, that he applied for a copy of the decree within ten days and was denied it.

Period limited for preferring appeals

Cases in which the Sudder Dewanny Adawlut may admit appeals after the limited time

Modified by Act IV. 1850.

Court to record their reasons for admitting or rejecting an appeal after the limited time, and to attend to the caution in Clause Second, Section IX.

Execution of decrees for real property in possession of the party cast to be suspended, upon his giving the security herein specified.

Such decrees to be executed on the party cast

Modified by Regs. XIII 1796, and V 1798.

In all other cases, the court may either execute the decree appealed against, or take security from the party cast for the performance of it.

If the court shall order the decree to be executed, security is to be taken from the party in whose favour it may be made for the performance of the decree of the Sudder Dewanny Adawlut

In all cases, however, the appellant is to give the security herein required.

Rescinded by Sec. x. Reg II 1798.

sum than five hundred sicca rupees), for the payment of the costs that the Sudder Dewanny Adawlut may award, and for the performance of the decree which it may pass]. When the securities hereby required shall have been entered into, the senior judge of the court is immediately to endorse on the petition, in his own handwriting, the day of the month and the year in which it may be presented, and sign it with his name, and cause to be written in the margin of the record, immediately opposite to the decree of the court, the word "appealed," and the court are to transmit the petition to the Sudder Dewanny Adawlut. The court is, at the same time, to direct notice to be given to the appellant, in writing, that within fifteen days the proceedings held in the cause appealed will be certified to the Sudder Dewanny Adawlut, and that if he shall not proceed in the appeal within six weeks after it may be filed in that court, the appeal will be dismissed, unless he shall show reasonable cause, to the satisfaction of the court, for not having proceeded in it.

Modified by Act IV. 1850.

When the appellant has entered into the securities required, the senior judge of the court is to make the endorsement herein directed on the petition: and the court is to transmit it to the Sudder Dewanny Adawlut.

Notification to be made to the appellant upon the receipt of the petition of appeal.

XI. The court, within fifteen days after the receipt of the appeal, are to certify, under their hands and the seal of the court, to the Register of the Sudder Dewanny Adawlut, the record duly made up and authenticated, including the original petition of appeal and answer of the parties, the original papers and documents received from the *Zillah or City Court*, the original depositions (where any may have been taken before the *Provincial Court*), exhibits, and every original paper read in the cause. Previous to transmitting the above-mentioned papers to the Sudder Dewanny Adawlut, the *Provincial Court* are to cause true and faithful copies of all the originals, authenticated by the Serishtadar or head native officer of the court, to be made out and deposited in the court in lieu of the originals. The copies are to be deemed records of the court, and are to be received in evidence in any other court. In cases where any original depositions, or other original proceedings or matter whatsoever, shall have been previously entered in any *Provincial Court*, in any book which may likewise contain either proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the Sudder Dewanny Adawlut without the other proceedings or matters, the court, within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted is so entered in such book. But they are, nevertheless, to transmit the original petition of appeal, the original answer or other separate pleadings of the parties, and the original exhibits which shall have been delivered in, or produced by the parties and read in the course of the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the court is to transmit a copy of it to the Sudder Dewanny Adawlut, and in like manner to certify it, and that after due search the original cannot be found.

Modified by Sec. viii. Reg. IX. 1831, and Act IV. 1850.

Record, including original papers in the cause appealed, to be transmitted to the register to the Sudder Dewanny Adawlut in fifteen days after the receipt of the appeal.

Copies of all the original papers transmitted, attested by the serishtadar, to be deposited amongst the records of the court.

Copies to be deemed records, and to be received in evidence.

Copies of original papers to be sent to the Sudder Dewanny Adawlut, where the originals cannot be sent for the reasons herein specified.

Recorded copies of original papers not forthcoming to be deemed the originals, and copies of them to be forwarded and certified as herein required.

Superseded by Act IV. 1850.

XII. *If a petition of appeal shall be presented in the first instance to the Sudder Dewanny Adawlut against any decree of a Provincial Court of Appeal, whereby the right of possession of any zemindarry, independent or dependent talook, or any land or house, or other real property shall have been*

Cases in which the Sudder Dewanny Adawlut are empowered to order the Provincial Courts to suspend the execution of decrees,

appeals from which may be presented to them in the first instance.

decreed, and the party cast shall have been in possession of the property at the time the decree was passed, and no execution shall have taken place, or possession been given under the decree of the Provincial Court, and provided such party shall have given good and sufficient security to the Provincial Court in a sum equal to one year's amount of the annual produce of the zemindarry, talook, land, or house, or other real property which may have been so decreed, to abide by and perform whatever order may be passed in the Sudder Dewanny Adawlut, the court is to issue an order to the Provincial Court, the decree of which shall be appealed against, to suspend the execution of it until the appeal shall have been finally determined. And in every case where a petition of appeal shall be preferred in the first instance immediately to the Sudder Dewanny Adawlut, and no security shall have been taken by the Provincial Court, the Sudder Dewanny Adawlut is not to proceed in the appeal, until the party appealing shall have entered into such security as he would have been required to have given had he preferred his petition of appeal to the Provincial Court.

All process of the Sudder Dewanny Adawlut (with the exceptions herein specified) to be issued through the *Provincial Courts of Appeal.*

XIII. All process, both to parties and witnesses, and every rule or order for the execution of a decree or final order, and every other order whatever, which may issue from the Sudder Dewanny Adawlut, is to be written or printed in the Persian and Bengal languages, in Bengal and Orissa, and in the Persian language and the Hindostanee language and Nageree character, in Behar, and sealed with the seal of the court and signed by the register. All such process, rules, and orders, which are to be served or executed on any parties, witnesses, or persons (exclusive of the parties, vakeels, or persons in actual attendance on the court), are to be directed to the *Provincial Court of the division* in which the cause of action shall originally have arisen, or in which the lands may be situated or the parties may be or reside. Every such process, rule, and order, is to limit a certain time in which it is to be served, executed, and returned to the Sudder Dewanny Adawlut. If any *Provincial Court*, to whom any process, rule, or order whatever may be directed, shall wilfully disobey or neglect to perform the commands contained in it, or make a false return, the judges of the court who may commit such offence shall be liable to be suspended from their office by the Sudder Dewanny Adawlut. If the Sudder Dewanny Adawlut shall suspend any judge or judges of a *Provincial Court* under this section, they are to notify the suspension to the Governor-General in Council within ten days after it may take place, together with the cause of it; and certify, under the seal of the court, the proceedings, depositions, and exhibits, and all other matters which may be necessary to enable the Governor-General in Council to pass a determination upon the suspension, and to transmit to him, on his requisition, any further papers and proceedings respecting the cause which he may deem necessary for his information. *But the Sudder Dewanny Adawlut is empowered, in cases in which, for the sake of expedition, or other purpose, it may judge it expedient so to do, to issue any process to parties or witnesses immediately through the proper Zillah or City Court, instead of directing it in the first instance to the Provincial Court of Appeal. In such cases, the process is to be executed and returned directly to the Sudder Dewanny Adawlut, and the judge to whom it may be directed is to be subject to the like penalties for making a false return, or other default in the*

See Act XXIX. 1837.

See Act XVII. 1841.

Judges of the *Provincial Courts* liable to be suspended by the Sudder Dewanny Adawlut, for refusing or omitting to obey, or to conform to their process or requisitions.

Sudder Dewanny Adawlut to report to the Governor-General in Council the suspension of judges under this section within ten days.

Cases in which the court may issue process to parties or witnesses immediately through the Zillah or City Courts.

execution of the orders contained in the process, as he would have been liable to, had the process been issued from the Provincial Court.

See Act XVII. 1841.

Process of the Sudder Dewanny Adawlut how to be served by the *Provincial Courts.*

XIV. In all cases in which process, either to a party or witness, and all process whatever, and every rule or order for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Dewanny Adawlut, which may be directed by such court to any *Provincial Court of Appeal*, the court to which the process may be directed is to execute the order contained in the process, rule, or order, and return it so executed within the time limited, or return to the Sudder Dewanny Adawlut good and sufficient reason why it has not been served or executed. When any process, rule, decree, or order for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Dewanny Adawlut to a *Provincial Court of Appeal* to be served or executed, the return to such process, rule, order, or decree is to be made by the court, either by endorsement on the process, rule, order, or decree, or to be written on a paper firmly annexed to it; and if the return be made in the last-mentioned manner, there is to be an endorsement on the process, rule, order, or decree, referring the Sudder Dewanny Adawlut to the return contained in such annexed paper, and the court is to cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the records of the court. And in all cases in which the Sudder Dewanny Adawlut may transmit any order or process to be served or executed by a *Provincial Court* against a party in a cause, and the party on whom it is to be served or executed is not, after diligent search, to be found, or shall have absconded, or shut himself up in his own or any house or building, or retired to any place so that the process cannot be served upon him, the court to which the process may be directed is to cause to be fixed up in some conspicuous part of the room in which the court may be held, a writing (in the Persian and Bengal languages, if it be in Bengal or Orissa, and in the Persian language, and the Hindostanee language and Nageree character, if it be in Behár) containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Sudder Dewanny Adawlut will, without further notice, process, or order, proceed ex-parte to hear, try, and determine the cause to which such process or order may relate; and the court is likewise to cause a copy of such writing to be fixed up, with all practicable dispatch, on the outer door of the house in which the party may have commonly dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return to the Sudder Dewanny Adawlut, in the manner before directed, how he has executed the process.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to made.

Court to cause a copy of the process and return to be deposited amongst the records of the court.

Court how to proceed in case any such process cannot be served upon the party, in consequence of his absconding or otherwise avoiding it.

Court to fix up a writing in the court-room, and at the place of residence of the party.

See Act XXIX. 1837.

What the writing is to contain.

XV. If a *Provincial Court of Appeal* to which any process, rule, or order of the Sudder Dewanny Adawlut may be transmitted, for the purpose of being served or executed on any party, shall return that the party has absconded, or shut himself up in his own or any house or building, or retired to any place so that the process could not be served upon him, or that he was not after diligent search to be found, and that they had caused the writing to be fixed up in the places and manner directed, and the party shall not appear and obey the exigence of the process, rule, or order,

Sudder Dewanny Adawlut to proceed ex-parte when the *Provincial Courts* shall report that a party has absconded, or was not to be found after the observance of the forms herein directed.

the Sudder Dewanny Adawlut is to proceed ex-parte to try and determine the cause in which the process, rule, or order shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Cases in which the Sudder Dewanny Adawlut is empowered to take new evidence in appeals, or to refer them back for further evidence to the *Provincial Courts.*

XVI. The Sudder Dewanny Adawlut is empowered in cases of appeal, in which it shall appear to them that the original suit has not been sufficiently investigated in the *Provincial Court of Appeal*, or for any other cause that may be deemed reasonable by the court, either to receive such further evidence as they may think necessary for the just determination of the suit, and to give judgment upon it, or to refer the suit back to the *Provincial Court* in which it originated, accompanied by such special directions to the *Provincial Court*, with regard to the new evidence they are to receive respecting it, as may be deemed by the court most conducive to justice and the convenience of the parties and witnesses. But in every case in which the Sudder Dewanny Adawlut may exercise the power above vested in them by this section, they are to enter upon the record of the trial their reasons for having excercised it. In cases in which the court may judge it proper to receive such further evidence themselves, they are empowered, according as they may deem most conducive to justice (respect being had to the nature of the cause and the evidence), either to examine the witnesses to be produced vivâ voce in open court, first causing the witnesses to be *sworn*, and their depositions to be reduced into writing and signed by the deponents respectively, or to authorize their register to *swear* the witnesses and take their depositions, and to cause the deponents to sign them, and to authenticate them with their signatures. The register, in such case, is to examine the witnesses in the presence of both parties or their vakeels, who are to be at liberty to put any questions to the witnesses that they may think proper, and the questions, with the answers to them, are in the same manner to be reduced into writing, signed and authenticated. But if due notice be given to the parties or their vakeels of the examination of any witness or witnesses before the register, and he or they shall not attend at the time of the examination, the register is to proceed in the examination as before directed, and the depositions are to be received as good and authentic evidence.

Sudder Dewanny Adawlut to state their reasons on the record of the trial, whenever they may exercise the powers above vested in them.

Courts empowered to hear the evidence in the cases above specified vivâ voce, or to order their register to take it.

See Sec. vi. Reg. II. 1806.

Cases in which the Sudder Dewanny Adawlut may dispense with the oaths of witnesses,

or direct their evidence to be taken by commission.

XVII. *The Sudder Dewanny Adawlut may dispense with the oaths of the descriptions of witnesses which the Zillah and City Courts are authorized to exempt from taking oaths, on their signing, in open court, the declarations that are required to be subscribed by such witnesses in the Zillah and City Courts.* Where witnesses may be women of the description specified in Section VI. Regulation IV. 1793, *or shall reside out of the jurisdiction of the court, and at a distance from it exceeding fifty coss*, the court may grant such commissions as the Zillah and City Courts are authorized to grant for the examination of such witnesses upon similar occasions. And the SudderDewanny Adawlut may issue such commissions to creditable women *and send such letters to the Provincial Courts for the examination of witnesses*, in the cases in which the judges of the Zillah and City Courts are authorized to send such commissions and *letters.*

Superseded by Act V. 1840.

Superseded by Act VII. 1841.

Sudder Dewanny Ad-

XVIII. If a witness duly summoned shall not attend, or attending

shall refuse to be *sworn* or give evidence, or to subscribe his deposi if such witness, or any person, shall be guilty of wilful or corrupt in a cause depending in the court, or any contempt of court in ope the Sudder Dewanny Adawlut are to proceed with such witness or in the same manner as the *Provincial Courts* are authorized to d witnesses or persons in like manner offending.

See Act XXX. 1841.

See Acts XXIX. 1841, and XVI. 1845.

XIX. If the appellant in an appeal filed in the Sudder Dewanny Adawlut shall not proceed in the appeal for six weeks, the appeal is to be dismissed, unless the appellant shall show reasonable cause, to the satisfaction of the court, for not proceeding in it; and the court may, if they shall deem it equitable so to do, award to the respondent costs of suit. But in all such cases, the court are to enter at large upon their proceedings the grounds upon which they may permit or refuse to allow the appellant to proceed.

Court to dismiss appeals if the appellants omit to proceed in them within six weeks, without showing sufficient cause for the omission.

Reasons for the dismission of the appeal to be recorded.

XX. In such suits as by any Regulation may be authorized to be tried in the first instance before the Sudder Dewanny Adawlut, and in appeals that may be heard by that court, no proceedings are to be held, nor any acts whatever done, either on behalf of the plaintiff or defendant, or the appellant or respondent, excepting by the plaintiff or defendant, the appellant or respondent respectively, or by a vakeel admitted to plead in the court under [*Regulation VII.* 1793], nor by any vakeel before his vakalutnamah shall have been filed in the court; and no persons excepting such parties or their witnesses, or such vakeels, shall be heard vivâ voce in any stage in the cause.

Substitute Act I. 1846.

No persons to be heard vivâ voce in any stage of a cause, excepting principals, their witnesses, or vakeels duly empowered.

XXI. The Sudder Dewanny Adawlut is empowered, in every case in which a sum of money is decreed to be paid by a zemindar, independent talookdar, or other actual proprietor of land, to issue an order to the proper *Provincial Court* to execute the decree, in the same manner as the *Provincial Courts* are authorized to execute decrees by which a sum of money may be decreed to be paid by any of the descriptions of persons above mentioned.

See Sec. xv. Reg. XXVI. 1814, and Act XVII. 1841.

Sudder Dewanny Adawlut empowered to order the *Provincial Courts* to enforce decrees for sums of money against proprietors of land, by the same process as those courts may enforce such decrees passed by themselves.

XXII. If a petition of appeal shall be preferred against the decision of any *Provincial Courts of Appeal*, founded on an award of arbitration, it is to be dismissed with costs, unless it be fully proved to the satisfaction of the court, by the *oaths* of two credible witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they have made the award.

Petitions of appeal from decisions founded on awards of arbitration to be dismissed with costs.

Exception to the rule.

Superseded by Sec. ii. Reg. III. 1798, and Sec. x. Reg. I. 1806.

XXIII. [The Sudder Dewanny Adawlut is empowered to permit the judges of the *Provincial Courts of Appeal*, and the Zillah and City Courts, to adjourn their respective courts occasionally for any period not exceeding one month, so that such adjournments collectively do not exceed two months in each year.

Court empowered to authorise the *Provincial*, Zillah, and City Courts, to make occasional adjournments.

XXIV. If a zemindar, independent talookdar, or other actual proprietor of land, or a dependent talookdar, shall resist or cause to be resisted, any process, rule, order, or decree, which may at any time issue

Sudder Dewanny Adawlut how to proceed against zemindars, independent talookdars,

or other actual proprietors of land, or dependent talookdars, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear, or shall appear and be proved guilty of the charge.

from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by *oath* to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved, to the satisfaction of the court, that he is guilty of the charge, the court are to decree, that the offender shall, from the date of their decree, forfeit his zemindarry, talook, or other estate in which such resistance shall have been made; or if the resistance shall have been made out of the limits of the estate of the offender, the zemindarry, talook, or other landed property which he may possess within the jurisdiction of the Zillah Court, to which the execution of the process resisted may have been committed. The court is immediately to forward a copy of their decree and proceedings to the Governor-General in Council. It shall be at the option of the Governor-General in Council, within four weeks after the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the court, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce their decrees. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the offender. In such case, or in the event of the Governor-General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the register, requiring the Collector of the revenue of the zillah to depute an Aumeen with a proper establishment of officers (whose allowances are to be specified in the precept), to sequester the lands and collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an Aumeen, they are to direct a precept to be issued to the Collector of the zillah, to order the nearest Tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to Aumeens in such cases, and under the same restrictions and penalties.

A copy of the decree to be sent to the Governor-General in Council.

If the lands are decreed forfeited, the Governor-General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, how the amount is to be levied.

Decree of forfeiture to be final, if the Governor-General in Council shall not order it to be executed, or commute it for a fine within four weeks.

If the decree is declared or becomes final, the court is to issue process to the collector to sequester the lands.

If the forfeiture should stand confirmed, the Governor-General in Council may confer the estate on the heirs of the offender or dispose of it at public sale.

XXV. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXIV., it shall be at the option of the Governor-General in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due to Government from the offender on account of the lands forfeited, and to pay the fixed public

revenue assessed upon them, or, if it be a dependent talook, the revenue payable from it to the proprietor within whose estate it may be situated; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in [*Regulation XLV.* 1793].

Substituted Act IV. 1846.

XXVI. If a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by *oath* to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to decree the lease cancelled from the expiration of the Bengal, Fussily, or Willaity year (according as the farm may be situated in Bengal, Behar, or Orissa) in which the decree may be passed. The Sudder Dewanny Adawlut is immediately to forward a copy of the decree and proceedings to the Governor-General in Council. It shall be at the option of the Governor-General in Council, within four weeks after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed upon the offender, the court, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture of the lease for a fine, the decree is to stand good against the offender, and the court is without delay to cause a copy of the decree to be sent to the collector. If the lease of the offender shall be annulled, and a balance should be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the collector of the revenue of the zillah is empowered to proceed against them for the recovery of it, in the manner prescribed in Section XX. Regulation XIV. 1793, for the recovery of balances due from farmers whose leases may be declared annulled under that Regulation. The offender is permitted to prosecute in the Dewanny Adawlut of the zillah in which the farm may be situated, the dependent talook-

Sudder Dewanny Adawlut how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed by the court, if the offender shall not appear, or shall appear and be proved guilty of the charge.

A copy of the decree to be sent to the Governor-General in Council.

Option reserved to the Governor-General in Council to confirm the decree or commute it for a fine, and to compel the farmer to perform the conditions of his lease.

How such fines are to be levied.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

dars, under-farmers, and ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Court how to proceed against persons resisting process, who are not proprietors of land, talookdars, or farmers.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

How the court is to enforce payment of the fine.

XXVII. If any person, not being a zemindar, independent talookdar, or other actual proprietor of land, or a dependent talookdar, or a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by *oath* to its satisfaction, is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence for which the decree may be passed. The court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

Proceedings of the Sudder Dewanny Adawlut how to be numbered, marked, dated, and signed.

Decrees to be signed by the judges and attested by the register, and copies to be delivered to the parties.

XXVIII. The petition of appeal, pleadings, depositions, and exhibits in the Sudder Dewanny Adawlut, are to be numbered, marked, dated, and signed by the register, in the same manner as the complaint, pleadings, depositions, and exhibits are ordered to be numbered, marked, dated, and signed by the *register* in the Zillah and City Courts. The decrees are to be signed by the judges present in the court when the decrees may be passed, and attested by the register, and copies, so signed and attested, are to be delivered to the parties.

See Sec. xvi. Reg. XXV. 1814, and Act II. 1843.

Decrees of the Sudder Dewanny Adawlut are to be final.

XXIX. The decrees of the Sudder Dewanny Adawlut are to be final in all suits whatever.*

Provincial Courts to furnish translates of papers in the country languages, which they may transmit to the Sudder Dewanny Adawlut.

XXX. [*The Provincial Courts are to furnish the Sudder Dewanny Adawlut with translates of all papers written in the country languages which they may transmit to the court, whether relating to causes appealed or other matters.*]

Rescinded by Sec. xviii. Reg. II. 1801.

Court how to act in cases for which no rule may exist.

XXXI. In cases for which no specific rules may exist, the Sudder Dewanny Adawlut is to act according to justice, equity, and good conscience.

* Except on appeal to the Queen in Council under Regulations and Acts in that behalf.

A.D. 1793. REGULATION VII.

Reg. VII. 1793.

A REGULATION *for the Appointment of Vakeels or Native Pleaders, in the Courts of Civil Judicature in the Provinces of Bengal, Behar, and Orissa:* PASSED *by the Governor-General in Council on the* 1*st May,* 1793.

[Rescinded by Section II. Regulation XXVII. 1814.]

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*A.D. 1793. REGULATION VIII.

Reg. VIII. 1793.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules for the decennial Settlement of the public Revenue payable from the Lands of the Zemindars, independent Talookdars, and other actual Proprietors of Land, in Bengal, Behar, and Orissa, passed for those Provinces respectively, on the* 18*th September,* 1789; *the* 25*th November,* 1789; *and the* 10*th February,* 1790, *and subsequent dates:* PASSED *by the Governor-General in Council on the* 1*st May,* 1793.

I. THE original rules for forming a decennial settlement of the revenue to be paid from the lands in Bengal, Behar, and Orissa, passed for those provinces, respectively, on the 18th September, 1789; 25th November, 1789; and 10th February, 1790, having undergone considerable alterations during the progress of the arrangement, an amended code of rules, including the original rules and the subsequent alterations, was passed on the 23rd November, 1791. That code is now re-enacted, with modifications and amendments adapted to the principles of Regulations II. and III. 1793, by which the judicial powers heretofore vested in the collectors of the revenue, as superintendents of the late Courts of Maal Adawlut, or Revenue Courts, are transferred to the Courts of Dewanny Adawlut, or Courts of Civil Judicature, established in the several zillahs and cities for the trial of all civil suits in the first instance.

Term of settlement to be for ten years, commencing with the Fussily, Willaity, and Bengal year 1197.

II. A new settlement of the land revenue shall be concluded for a period of ten years, to commence with the Fussily,† Willaity,‡ and Bengal § year 1197, for Behar, Orissa, and Bengal, respectively.

See Secs. iii. and iv. Reg. I. 1793.

Proprietors to be informed, it will be perpetual with the approbation of the Court of Directors, but not otherwise.

III. It shall be at the same time notified to the proprietors of land with whom the settlement may be concluded, that the assessment fixed by the decennial settlement will be continued after the expiration of the

* Reg. VII. 1822 was enacted for the settlement of the revenue of the Ceded and Conquered Provinces and Cuttack, and all the provisions of that Regulation, from Cl. 6, Sec. ii. inclusive, were extended by Sec. ii. Reg. IX. 1825, to all lands in all other provinces not included within the limits of estates for which a permanent settlement had been concluded, so far as they might be applicable, and to all estates while held in khas management.

† 5th September, 1789. ‡ 14th or 15th September, 1789. § 11th April, 1790.

ten years, and remain unalterable for ever, provided such continuance shall meet with the approbation of the Honourable Court of Directors, but not otherwise.

Settlement, under certain restrictions, to be concluded with the actual proprietors of the soil.

IV. The settlement, under certain restrictions and exceptions hereafter specified, shall be concluded with the actual proprietors of the soil, of whatever denomination, whether zemindars, talookdars, or chowdries.

What descriptions of talookdars are to be considered the actual proprietors of the lands composing their talooks

Proprietors of talooks obtained by purchase, or gift;

V. *First.* The talookdars to be considered the actual proprietors of the lands composing the talooks are the following: See Sec. xiv. Rlg. I. 1801.

Second. Talookdars who purchased their lands by private or at public sale, or obtained them by gift from the zemindar or other actual proprietor of land to whom they now pay the revenue assessed upon their talooks, or from his ancestors, subject to the payment of the established dues of Government, and who received deeds of sale, or gift of such land, from the zemindar, or sunnuds from the khalsa, making over to them his proprietary rights therein.

or which existed before the succession of the family of the zemindar to whom the revenue is paid;

Third. Talookdars, whose talooks were formed before the zemindar, or other actual proprietor of land to whom they now pay their revenue, or his ancestors, succeeded to the zemindarry.

or which never formed a part of the zemindarry;

Fourth. Talookdars, the lands comprised in whose talooks were never the property of the zemindar, or other actual proprietor of the soil to whom they now pay their revenue, or his ancestors.

and persons who have succeeded to any of the above-mentioned descriptions of talooks.

Fifth. Talookdars who have succeeded to talooks of the nature of those described in the preceding clauses, by right of purchase, gift, or inheritance, from the former proprietor of such talooks.

Description of proprietors of talooks who are to continue to pay their revenue through an actual proprietor, as heretofore.

VI. The proprietors of talooks, however, who now pay the public revenue assessed upon their lands through a zemindar, or other actual proprietor of land, and whose title-deeds contain a clause stipulating that their revenue is to be paid through him, shall continue to pay their revenue through such zemindar, or other actual proprietor of land, as heretofore.

What talookdars are to be considered as leaseholders only, and not entitled to be rendered independent.

VII. Talookdars, whose talooks are held under writings or sunnuds from zemindars, or other actual proprietors of lands, which do not expressly transfer the property in the soil, but only entitle the talookdar to possession so long as he continues to discharge the rent or perform the conditions stipulated therein, are considered as leaseholders only, not actual proprietors of the soil, and consequently are not entitled to be rendered independent of the zemindar, or other actual proprietor of land, from whom they derive their tenures, provided they now pay the rent assessed upon their talooks to him.

Jungleboory talookdars herein described not entitled to separation from the proprietors.

VIII. Talookdars, also, whose tenure is denominated jungleboory, and is of the following description, are not considered entitled to separation from the proprietors of whom they hold. The pottahs granted to these talookdars, in consideration of the grantee clearing away the jungle and bringing the land into a productive state, give it to him and his heirs in perpetuity, with the right of disposing of it either by sale or gift, exempting him from payment of revenue for a certain term, and at the expiration of it

subjecting him to a specific assul jummá, with all increases, abwabs, and mhatoots imposed on the purgunnah generally; but this for such part of the land only as the grantee brings into a state of cultivation: and the grantee is further subject to the payment of a certain specified portion of all complimentary presents and fees, which he may receive from his under-tenants, exclusive of the fixed revenue. The pottah specifies the boundaries of the land granted, but not the quantity of it, until it is brought into cultivation.

Proprietors of malguzarry ayma lands herein described entitled to separation, in the same manner as the proprietors of independent talooks.

IX. The rules in Section V. respecting talooks, have also been extended to ayma lands liable to the payment of a fixed quit revenue, denominated malguzarry aymas; and, agreeably to the distinctions laid down in that section, it has been ordered, that such malguzarry ayma tenures as are held under grants of the Mahomedan Government previous to the Company's accession to the Dewanny, or which have been since granted by proprietors of estates for a consideration received by them, are to be separated from the proprietors to whom their revenue is now paid, as coming within the spirit of the rules for the separation of talookdars who are proprietors of the lands composing their talooks. But malguzarry ayma tenures which may appear to have been bonâ fide granted for the purpose of bringing waste lands into cultivation, shall continue included in the estates to which they are now annexed, as coming within the rules in Section VIII. respecting jungleboory talooks.

What malguzarry ayma lands shall not be separated.

Rules pointed out for the guidance of collectors in carrying into execution the orders relative to the separation of talookdars.

X. The rules contained in the following section have been prescribed for the guidance of the collectors in carrying into execution the rules relative to the separation of talookdars, who are the actual proprietors of the lands composing their talooks and are declared entitled to separation.

To examine the title-deeds of talookdars, and separate from the jurisdiction of the zemindars, &c. such as may appear to be the actual proprietors of their talooks.

How to proceed in the event of a talookdar having no title-deeds to produce.

XI. Every talookdar being considered as the rightful possessor of his talook, until a better title is established against him by due course of law, the point to be ascertained by the collectors, in carrying the above-mentioned orders into effect, is not whether the holders of the several talooks under their authority are the lawful possessors of the talooks held by them, but whether the nature of their tenure is such as to entitle them to separation, under the rules contained in Sections V. and IX.; to ascertain which, they are to call upon the talookdars to produce their title-deeds, and after having examined them, are to separate from the jurisdiction of the zemindars, or other actual proprietors of estates, those who may appear to them to be actual proprietors of the lands composing their talooks, as described in those sections, continuing the remainder under the zemindars, or other actual proprietors, as heretofore. If a talookdar should have no title-deeds to produce, the collector is to make a summary inquiry into his right to separation, and after attending to such proofs and documents as may be produced by the talookdar in support of his title to separation, and by the zemindar, or other actual proprietor, in objection thereto, is to decide, according to the best of his judgment, whether such talookdar be entitled to separation or not, and conclude the settlement accordingly.

Talookdars adjudged

XII. The collectors are to acquaint the talookdars whom they may

not to be proprietors of the soil, are at liberty, if dissatisfied, to sue the zemindars, &c in the Court of Dewanny Adawlut, for the right of property in their talooks

adjudge not to be actual proprietors of the lands composing their talooks, and consequently continue under the zemindars, or other actual proprietors, as heretofore, that if dissatisfied with their decision, they are at liberty to sue such zemindars, or actual proprietors of land, in the Court of Dewanny Adawlut of the zillah, for the right of property in their talooks; and that, in the event of their establishing such right, they will be separated from such zemindars, or other actual proprietors, and allowed to pay the revenue assessed upon their talooks to the public treasury. They are also to acquaint the zemindars, or other actual proprietors, from whose estates talooks may be separated, and who may be dissatisfied with such separation, on the grounds of the holders of such talooks not being the actual proprietors of them, and consequently not entitled to separation under Sections V. and IX., that they are at liberty to sue such talookdars in the Court of Dewanny Adawlut, for the right of property in their talooks, and that, in the event of their establishing such right, the talooks will be replaced under them as heretofore. The right of property in every talook, in cases where it may be disputed, will thus be tried and decided upon according to law, in the Court of Dewanny Adawlut of the zillah, and either party dissatisfied with the decision of the judge will have an appeal therefrom to the *Provincial Court of Appeal*, and from the decision of that court to the Sudder Dewanny Adawlut, in cases that may be appealable to the last-mentioned court.

Zemindars, &c dissatisfied with the separation of talooks from their estates, are at liberty to sue the holders of such talooks in the Court of Dewanny Adawlut, for the right of property in them.

Either party dissatisfied with the decision of the judge will have an appeal to the Sudder Dewanny Adawlut, agreeably to the judicial regulations.

Order for the separation of independent talooks to be considered as positive.

XIII. Talookdars ordered to be separated are not to be permitted to pay the revenue assessed upon their lands through the zemindars, or other actual proprietors of estates as heretofore.

Separated talookdars to pay their revenue immediately into the collector's treasury; except in particular cases, in which tehseeldars are to be appointed to receive it.

XIV. Talookdars who, in consequence of the rules in Sections V. and IX., may be separated from the zemindars, or other actual proprietors of estates, through whom they heretofore paid their revenues, are to pay their revenue in future immediately into the collector's treasury; except in districts where, from the number of talooks, or other cause, this mode would be attended with considerable inconvenience, in which case tehseeldars, or native collectors, are to be appointed to receive the revenue of the talooks in such districts.

Proprietors from whose estates talooks may be separated, shall not be appointed tehseeldars

This office to whom to be given, and the expense incident to it how to be defrayed

XV. Zemindars, or other actual proprietors of land, from whose zemindarries or estates talooks may be separated, shall not be appointed tehseeldars to receive the revenue of the talooks so separated, but the office of tehseeldar shall, in every instance, be given to some other person of character and responsibility, and the whole expense of it is to be defrayed by Government.

Rule respecting mocurrery leases to persons not the proprietors of the lands included in them, if granted or confirmed by the Supreme Government, or obtained previous to the Company's accession to the Dewanny

XVI. Mocurrery leases to persons not the actual proprietors of the lands included in such leases, if granted or confirmed by the Supreme Government, or obtained previous to the Company's accession to the Dewanny, are to be continued in force during the lives of the lessees, subject to an abatement of the fixed jumma for the authorized sayer resumed or abolished; but on their death, the settlement is to be made with the actual proprietors of the soil agreeably to this Regulation.

See Sec iv Reg II 1819

XVII. Mocurrery grants to the actual proprietors of the soil, made or confirmed by the Supreme Government, are also to be continued in force, subject, in like manner, to an abatement of the fixed jumma on account of the resumption or abolition of the authorized sayer. The rules contained in this section and Section XVI. are to be considered subject to the future confirmation or revocation of the Honourable Court of Directors.

Rules respecting mocurrery grants to the proprietors of the soil made or confirmed by the Supreme Government.

Rules in this and the preceding section to be considered subject to the future confirmation or revocation of the Court of Directors.

XVIII. Mocurrerydars holding lands of which they are not the actual proprietors, and whose mocurrery grants have been obtained since the Company's accession to the Dewanny, and never received the sanction of the Supreme Government, are to be dispossessed, and the settlement is to be made with the actual proprietors of the soil under this Regulation. In cases, however, where such mocurrerydars have been in possession of their mocurreries for a term exceeding twelve years, they are to receive during their lives (subject to the pleasure of the Honourable Court of Directors) the difference between the jumma at which they held the lands and that which may be now agreed to by the actual proprietors, added to the neat produce of the authorized sayer, resumed or abolished.

Rule respecting mocurrerydars holding lands of which they are not the proprietors, granted since the Company's accession to the Dewanny and not sanctioned by Government.

Qualification of the preceding part of this rule, but subject to the pleasure of the Court of Directors.

XIX. Istemrardars, however, who have not got possession of their lands to the exclusion, or without the consent of the actual proprietors, as the mocurrerydars mentioned in Section XVIII. are supposed to have done, but hold them of the proprietors on pottah or lease, are to be considered as a species of pottah talookdars, and the settlement is to be made with them as hereafter specified.

Description of istemrardars to be considered as pottah talookdars.

XX. The exceptions to the general order for the conclusion of the decennial settlement with the actual proprietors of the soil, contained in Section IV. include the following descriptions of persons; females (excepting those whom the Governor-General in Council may judge competent to the management of their own estates), minors, idiots, lunatics, or others rendered incapable of managing their lands by natural defects or infirmities of whatever nature, [*and persons whom the Governor-General in Council may deem disqualified on account of their contumacy or notorious profligacy of character*;] provided, however, with regard to the whole of these descriptions, that they are not partners in the zemindarries, independent talooks, or other estates held by them, with others of a different description, in which case themselves or guardians are allowed, with their partners, to engage for the settlement of their lands, and elect a joint manager, under the restrictions hereafter mentioned.

Exceptions to the general orders for the conclusion of the decennial settlement with the actual proprietors of the soil.

Rescinded by Sec ii. Reg. VII. 1796.

Qualifications of these exceptions.

XXI. The lands of disqualified proprietors, coming within the above descriptions, are to be managed for the benefit of the proprietors, by persons appointed to the trust by Government, in the mode prescribed in Regulation X. 1793, which also contains rules for the selection and conduct of such managers, as well as regarding the provision to be made for the support of the proprietors.

Lands of proprietors included in the above exceptions to be managed by persons appointed by Government.

XXII. A further exception has been made to proprietors in balance to Government, and unable to pay the arrears due from them; in which

Further exception with respect to proprietors of land in balance

to Government, and unable to pay the arrears due from them.

instances, no settlement is to be concluded with the defaulting proprietors, but their lands are to be let in farm, or held khas, for a period of three years, at the discretion of the collector.

Settlement of undivided estates possessed by two or more proprietors, none of whom may come within the description of disqualified landholders, to be made with them jointly, but their lands to be entrusted to a manager

Mode in which managers are to be appointed.

XXIII. [*Where more proprietors than one possess an undivided estate, and the whole of them be not within the description of disqualified landholders specified in Section XX., the settlement is to be made with them jointly, and they are to be required to elect a serberakar or manager, who shall have the exclusive management of their lands during the continuance of his appointment. The determination of the majority of the proprietors, or of the majority of those present in the event of the absence of any, is to be binding on the remainder in the choice of a manager; and when the votes of the proprietors are equal, the election of the manager is to be determined by the greater interest of the proprietors in the property. If in any case the interest also be equal, the manager is to be appointed by the Board of Revenue*] Rescinded by Sec. ii. Reg XVII. 1805

Cases in which guardians of proprietors are to vote for them in the choice of a manager.

XXIV. [*In instances where part of the proprietors described in Section XXIII. may be minors, lunatics, idiots, or others having guardians, such guardians are to vote for them.*] Rescinded by Sec ii Reg. XVII. 1805.

Collectors to nominate managers for undivided estates when the proprietors shall neglect to do so, to be confirmed by the Board of Revenue.

Authority vested in the manager so appointed

Expense to be defrayed by the proprietors, who are also to be responsible for the public revenue

XXV. [*If the joint proprietors of undivided estates should neglect to elect a serberakar on the requisition of the collector of the revenue of the zillah in which such estates may be situated, the latter is authorized to nominate a manager for the approbation of the Board of Revenue, which manager, when confirmed by them, shall have the exclusive management, as long as it may be thought advisable to continue him; the expense of the manager as well as the responsibility for the public revenue, resting nevertheless with the proprietors.*] Rescinded by Sec. ii. Reg. XVII. 1805.

Determination of the majority of the proprietors to be binding on the remainder, in agreeing to the jumma of undivided estates.

But the sharers, if dissatisfied, may obtain a division of their lands.

XXVI. The determination of the majority of the proprietors present, under the restrictions specified in [*Section XXIII.*,] is also to be binding on the remainder, in agreeing or disagreeing to the jumma proposed for undivided estates. The sharers, however, if dissatisfied, may obtain a division of their lands and a proportionate allotment of the revenue assessed thereon, but at their own expense. See Sec. x. Reg. VII. 1822.

Rules respecting the settlement of land standing in the joint names of several proprietors, or of one for many, each proprietor having his separate share in his own possession

XXVII. When a portion of land stands in the joint names of several proprietors, or of one for many, but each proprietor has his separate share in his own possession and management, or in that of an agent for him, the settlement is to be made for each share with the person in possession, and his land is to be held exclusively responsible for the revenue assessed upon it.

In what manner the settlement is to be made in cases of lands being mortgaged.

XXVIII. In case of mortgage, if the mortgagee has obtained possession of the land, the settlement is to be made with him, and the proprietor is to be declared entitled to succeed to his engagements on recovering possession, either by the discharge of his obligations or by the decision of a court of justice. If the mortgagee has not possession, the settlement is to be made with the proprietor in possession, and the mortgagee is, in like

manner, to succeed to the lease, in case of possession being subsequently adjudged to him.

XXIX. If, after due inquiries and reference to the Mofussil records, the proprietors of any land cannot be ascertained, the lands are to be held khas pro tempore, and the same mode is to be adopted with regard to absentees. In both cases, an advertisement is to be issued, requiring the proprietors or absentees to attend within a period of six months; and if they should not be forthcoming at the expiration of that period, a settlement is to be made with a farmer for ten years, allowing a preference to the zemindar nearest in situation, on his agreeing to the jumma and the terms that may be prescribed by the collector.

Rule to be observed when the proprietors of any land cannot be ascertained, and in cases of absentees.

The settlement of their lands how to be made in the event of their not being forthcoming.

XXX. Where the property in lands is disputed, the settlement is to be made with the proprietor in possession, under an express declaration that he is nevertheless liable to the claims upon the estate, which is to be transferable to any other person to whom the property may be subsequently adjudged.

Settlement of disputed estates to be made with the proprietor in possession.

XXXI. If a case should occur, in which none of the claimants shall have been previously in possession, they are to be allowed to appoint a manager until their claims shall have been determined in the Dewanny Adawlut of the zillah: but if they should not agree to a manager, the lands are to be held khas, and the surplus produce, after discharging the revenue, is to be kept in deposit until the right of property shall be adjudged.

Mode to be observed in cases where none of the claimants shall have been previously in possession.

XXXII. Where disputes exist concerning the boundaries of land, they are to be left to be adjusted in the Dewanny Adawlut, and the settlement is to be made in the mean time for the lands in possession of the disputing parties respectively.

Rules for the settlement, in cases where disputes exist concerning the boundaries of lands.

XXXIII. The special rules for fixing the assessment of the three provinces respectively, adapted to the local circumstances of each, commence with Section LXVIII., and the following general rules have been prescribed in addition thereto.

Rules for fixing the assessment pointed out.

See Sec. xvii. Reg. VIII. 1800, and Reg. II. 1816, and other Regs. re-establishing the office of canoongoe.

XXXIV. The allowances of the cauzies and canongoes, heretofore paid by the landholders, as well as any public pensions hitherto paid through the landholders, are to be added to the amount of the jumma, and in future paid by the collectors of the revenue of the several zillahs, on the part of Government, under the rules and restrictions laid down for their guidance, with regard to such payments, in the resolutions passed by the Governor-General in Council on the 10th June, 1791, and re-enacted with modifications by Regulation XXIV. 1793.

Allowances of cauzies and canongoes, and public pensions paid by landholders, to be added to the jumma, and in future paid by the collectors, under certain restrictions.

XXXV. The assessment is to be fixed exclusive and independent of all duties, taxes, and other collections, known under the general denomination of sayer; the collections made in the gunges, hauts, and bazars, situated within the limits of the town of Calcutta excepted, and excepting also the collections confirmed to the proprietors and holders of gunges, bazars, and

The assessment to be fixed exclusive of sayer, with an exception to the collections in the gunges, &c. in Calcutta, and to certain other articles of collection, confirmed.

hauts, by the resolutions passed by the Governor-General in Council on the 11th of June, 1790. Those resolutions, with the subsequent rules enacted for the regulation of the abkarry, or tax on intoxicating liquors and drugs, the abolition of the other sayer collections resumed, and the compensations to be made to the proprietors and farmers of estates in consequence of this resumption and abolition, are re-enacted with modification, by Regulations XXVII. [*and XXXIV.*] 1793.

Rescinded by Reg. X. 1813.

Assessment also to be fixed exclusive of all existing lakheraje lands.

XXXVI. The assessment is also to be fixed exclusive and independent of all existing lakheraje lands, whether exempted from the kheraje (or public revenue) with or without due authority.

The above rule not meant to include malikanah lands in Behar, or private lands of zemindars and talookdars in Bengal and Midnapore.

XXXVII. The above exception, however, is not meant to include the malikanah lands in Behar, or the nankar, khomar, neej-joot, and other private lands of the zemindars and independent talookdars, or other actual proprietors of land, in Bengal and Midnapore, regarding which the following rules have been prescribed.

Malikanah lands in Behar to be re-annexed, and the proprietors required to engage for the whole of their estates including these lands.

XXXVIII. Where the zemindars, or other actual proprietors of land, in Behar, have resigned, or have been deprived of the management of their lands, retaining possession of a tithe, as malikanah, the latter is to be re-annexed, and the zemindars or other actual proprietors are to be required to engage for the whole of their estates including the malikanah lands; unless such lands be held as malikanah under grants made or confirmed by the Governor-General in Council, or the supreme authority of the country, for the time being, and have been sold or mortgaged, and given in possession to the mortgagee, in which case they are to be exempted from this rule. Grants for malikanah lands not made or confirmed by the supreme authority of the country, are declared invalid by the Regulations passed on the 8th August, 1788. If the collectors, however, should be of opinion that any material injury will be done to any individual by the execution of these orders, they are to report the circumstances to the Board of Revenue.

Nankar, khomar, neej-joot, and other private lands of the proprietors, in Bengal and Orissa, to be annexed to the malguzarry lands, and the jumma fixed upon the whole.

Modification of the rule.

XXXIX. The nankar, khomar, neej-joot, and other private lands, appropriated by the zemindars, independent talookdars, and other actual proprietors of land, in Bengal and Orissa, to the subsistence of themselves and families, shall be also annexed to the malguzarry lands, and the ten years' jumma fixed upon the whole under the following modification; that such proprietors as may decline to engage for their lands be allowed the option of retaining possession of their private lands above specified, upon the terms on which they have hitherto possessed them, provided they shall prove, to the satisfaction of the Board of Revenue, that they held them under a similar tenure previous to the 12th August, 1765, the date of the grant of the Dewanny to the Company, and have hitherto been permitted to keep possession of them, whenever their zemindarries or estates have been held khas or let in farm, but not otherwise. In the event of such proof, and of their availing themselves of the option above given to retain possession of their private lands, a deduction, adequate to the neat produce of such lands, is to be made from the amount of the allowance fixed for excluded proprietors by [*Section XLIV.*]

XL. The above consolidation of the malguzarry and private lands is also to be made in the talooks continued under the proprietors on whom they have hitherto been dependent; not, however, with a view of increasing the rents of the talookdars, but in order to make the whole of the lands composing their talooks answerable for their proportion of the public assessment allotted thereon.

The consolidation of the malguzarry and private lands to be made also in talooks continued under proprietors on whom they have been hitherto dependent.

Motive of this consolidation.

XLI. The chakeran lands, or lands held by public officers and private servants in lieu of wages, are also not meant to be included in the exception contained in Section XXXVI. The whole of these lands in each province are to be annexed to the malguzarry lands, and declared responsible for the public revenue assessed on the zemindarries, independent talooks, or other estates in which they are included, in common with all other malguzarry lands therein.

Chakeran lands to be annexed to the malguzarry lands, and declared responsible for the public revenue.

Superseded by Acts XVII. 1835, and XIII. 1836.

XLII. *All engagements for the jumma, whether executed by proprietors or farmers, are to be for sicca rupees; and a clause is to be inserted, obliging them to pay to Government siccas, or the same species of rupees as they may receive from their under-farmers or ryots, at the bazar rates of batta, until a sufficient number of sicca rupees can be circulated to make these the only legal tender. The collectors are to insert in their treasury accounts the rates of batta at which all rupees, not siccas, may be received by them.*

All engagements for the jumma to be for sicca rupees, subject for the present, to a provisionary clause.

Collectors to insert in their treasury accounts the rates of batta at which they may receive all rupees not siccas.

See Sec. III. Reg. VII 1822.

XLIII. In the event of any proprietor declining to engage for the settlement of his lands at the jumma proposed to him, the collector is to communicate the objections offered, with his opinion respecting them, to the Board of Revenue. That Board is to determine the proper assessment after making such further inquiries as they may think necessary, and the objecting proprietor is to be required to engage for such assessment without further delay; and in the event of his refusal, which is to be given in writing, his lands are to be let in farm or held khas, as the Board of Revenue may in each instance think most expedient.

Process to be observed when the landholders decline engaging for the jumma proposed to them.

XLIV.* Proprietors who may finally decline engaging for the jumma proposed to them, and whose lands may consequently be let in farm or held khas, are to receive malikanah (an allowance in consideration of their proprietary rights) at the rate of ten per cent. on the sudder jumma of their lands, if let in farm, or at the same rate on the neat collections from their lands if held khas, viz. on the neat amount realized by Government, after defraying the malikanah as well as all other charges. Out of this allowance, however, a provision is to be made for such persons belonging to the families of the proprietors as may be entitled thereto.

Proprietors who may finally refuse to engage for the jumma required from them, are to receive malikanah, and in what proportion.

XLV.* When the lands are let in farm, the farmer is to engage to pay

Rule respecting the payment of the malikanah when the lands are let in farm.

* Clause 1, Section V. Reg. VII. 1822, enacted for the Ceded and Conquered Provinces and Cuttack, rescinded all "provisions in the existing Regulations regarding the allowance to be made to zemindars and other malguzars who may be excluded from the management of mehals owned or claimed by them, whether as malikanah or nankar." This enactment, was extended to all the other provinces by Sec. II. Reg. IX. 1825, and declared to apply to "all lands not included within the limits of estates for which a permanent settlement has been concluded, and to all estates held khas;"—but Sec. XI. Reg. IX. 1833, declares the new provisions to be only of prospective effect.

the ten per cent. malikanah to the proprietor of the lands farmed by him, in addition to the jumma payable by him to Government, and to pay this malikanah monthly, according to the kistbundy fixed for the sudder jumma, with an exception to any cases in which it may have been otherwise stipulated with the farmers.

How the collectors are to enforce payment of the malikanah.

Government guarantees for full payment of the malikanah of proprietors.

XLVI.* The collectors are to enforce payment of the malikanah specified in Section XLV. from the farmers, by the same process as is prescribed for enforcing payment of arrears of the public revenue, if they shall at any time neglect to pay the instalment due from them; and Government are to be considered as guarantees for the full payment of the fixed allowance to the several excluded proprietors.

How to be paid when the lands are held khas.

XLVII.* In the event of the lands being held khas, on the refusal of the proprietor to engage for the settlement of them, the malikanah, calculated as above specified, is to be paid monthly from the treasuries of the collectors, and it shall be paid entirely in money, instead of half in cash and half in paper, as formerly.

Settlement to be made by proprietors with the talookdars continued under them, and in what manner.

See Cl. 8, Sec. xv. Reg. VII. 1799, Sec. iii. Reg. V. 1812, and Sec. ii. Reg XVIII 1812.

XLVIII. The settlement having been concluded with the zemindars, independent talookdars, and other actual proprietors of land, they are to enter into engagements with the several dependent talookdars continued under them respectively, and consequently paying revenue through them for the same period as the term of their own engagements with Government, provided the talookdars will agree to such revenue, progressive or otherwise, as the zemindar, or other actual proprietor of land, may be entitled to demand from them; and the several zemindars, or actual proprietors of land, to whom this rule may be applicable, are required to deliver to the collector, within three months after the conclusion of the settlement with them, a record of the engagements entered into between them and the talookdars dependent on them, specifying their names and talooks, and the jumma payable by each.

Restrictions regarding the assessment of a certain description of istemrardars, who are to be considered as leaseholders.

XLIX. It is to be understood, however, that istemrardars (mocurrerydars) of the nature of those described in Section XVIII., who have held their land at a fixed rent for more than twelve years, are not liable to be assessed with any increase, either by the officers of Government or by the zemindar or other actual proprietor of land, should he engage for his own lands. With regard to such istemrardars, also, as have not held their lands at a fixed rent for so long a period, if the zemindar, or other actual proprietor of land, has bound himself by the deed which he may have executed not to lay any increase upon them, he shall not be allowed to infringe the conditions of the deed for his own benefit, but must confine his demands to the rent he may have voluntarily agreed to receive.

To what the last restriction imposed on actual proprietors of land in the preceding section is not to extend.

L. This last restriction imposed on the zemindar, or other actual proprietor of land, in Section XLIX., is not to be considered to preclude the officer of Government or farmer, in the event of the zemindarry being

* See note in the preceding page.

held khas or let in farm, from assessing such istemrardars according to the general rate of the district.

See Sec. iv. Reg. VII. 1822.

LI. The following rules are prescribed, to prevent undue exactions from the dependent talookdars.

Further rules to prevent undue exactions from the talookdars.

First. No zemindar, or other actual proprietor of land, shall demand an increase from the talookdars dependent on him, although he should himself be subject to the payment of an increase of jumma to Government; except upon proof that he is entitled so to do, either by the special custom of the district, or by the conditions under which the talookdar holds his tenure: or that the talookdar, by receiving abatements from his jumma, has subjected himself to the payment of the increase demanded, and that the lands are capable of affording it.

Proprietors not to demand an increase from such talookdars, excepting in the cases herein specified.

Second. If, in any instance, it be proved that a zemindar, or other actual proprietor of land, exacts more from a talookdar than he has a right to, the court shall adjudge him to pay a penalty of double the amount of such exaction, with all costs of suit, to the party injured.

Penalty for proprietors making exactions from talookdars.

LII. The zemindar, or other actual proprietor of land, is to let the remaining lands of his zemindarry or estate, under the prescribed restrictions, in whatever manner he may think proper; but every engagement contracted with under-farmers shall be specific as to the amount and conditions of it; and all sums received by any actual proprietor of land or any farmer of land, of whatever description, over and above what is specified in the engagements of the persons paying the same, shall be considered as extorted, and be repaid with a penalty of double the amount. The restrictions prescribed and referred to in this section are the following:

Actual proprietors to let their remaining lands under the prescribed restrictions in whatever manner they may think proper.

LIII. No person contracting with a zemindar, independent talookdar, or other actual proprietor, or employed by him in the management of the collections, shall be authorized to take charge of the lands or collections without an amilnamah, or written commission, signed by such zemindar, independent talookdar, or other actual proprietor.

Restrictions alluded to in Section lii.

LIV.* The impositions upon the ryots, under the denomination of abwab, mhatoot, and other appellations, from their number and uncertainty having become intricate to adjust, and a source of oppression to the ryots, all proprietors of land and dependent talookdars shall revise the same, in concert with the ryots, and consolidate the whole with the assul into one specific sum. In large zemindarries or estates, the proprietors are to commence this simplification of the rents of their ryots in the pergunnahs where the impositions are most numerous, and to proceed in it gradually till completed; but so that it be effected for the whole of their lands by the end of the Bengal year 1198 in the Bengal districts, and of the Fussily and Willaity year 1198 in the Behar and Orissa districts, these being the periods fixed for the delivery of pottahs, as hereafter specified.

April, 1792.

September, 1792.

Process to be observed to prevent imposition on the ryots under the denomination of abwab, mhatoot, &c.

LV. No actual proprietor of land, or dependent talookdar or farmer of land, of whatever description, shall impose any new abwab or mhatoot

Proprietors and farmers of land prohibited imposing any

* It is enacted by Section iv. Regulation IV. 1794, that Sections liv. lvi. lvii. lviii. lix. and lxi. shall not have effect in the Behar portion of zillah Ramgurh.

new abwab or mhatoot on the ryots, and penalty in case of disobedience.

upon the ryots, under any pretence whatever. Every exaction of this nature shall be punished by a penalty equal to three times the amount imposed; and if, at any future period, it be discovered that new abwab or mhatoot have been imposed, the person imposing the same shall be liable to this penalty for the entire period of such impositions.

Variations of pottah according to articles of produce admitted under certain restrictions.

LVI.* It is expected that, in time, the proprietors of land, dependent talookdars and farmers of land, and the ryots, will find it for their mutual advantage to enter into agreements, in every instance, for a specific sum for a certain quantity of land, leaving it to the option of the latter to cultivate whatever species of produce may appear to them likely to yield the largest profit. Where, however, it is the established custom to vary the pottah for lands according to the articles produced thereon, and while the actual proprietors of land, dependent talookdars or farmers of land, and ryots in such places, shall prefer an adherence to this custom, the engagements entered into between them are to specify the quantity of land, species of produce, rate of rent, and amount thereof, with the term of the lease, and a stipulation that, in the event of the species of produce being changed, a new engagement shall be executed for the remaining term of the first lease, or for a longer period if agreed on; and in the event of any new species being cultivated, a new engagement, with the like specification and clause, is to be executed accordingly. See Sec. iii. Reg. V. 1812.

What the pottahs to be delivered to the ryots are to contain.

LVII.* *First.* The rents to be paid by the ryots, by whatever rule or custom they may be regulated, shall be specifically stated in the pottah, which, in every possible case, shall contain the exact sum to be paid by them.

Rule where the rate only can be specified, and for payments in kind.

Second. In cases where the rate only can be specified, such as where the rents are adjusted upon a measurement of the lands after cultivation or on a survey of the crop, or where they are made payable in kind, the rate and terms of payment and proportion of the crop to be delivered, with every condition, shall be clearly specified.

Forms of pottahs to be registered in the Zillah Court, and copies to be deposited in each of the principal cutcherries.

LVIII.* [*Every zemindar, independent talookdar, or other actual proprietor of land, and every dependent talookdar, shall prepare the form of a pottah or pottahs conformably to the rules above prescribed, and adapted to the circumstances of his estate or talook; and after obtaining the collector's approbation of it (which approbation shall be signified by such officer superscribing the form with his name and official appellation), he is to register a copy of the form or forms in the Dewanny Adawlut of the zillah, and to deposit a copy in each of the principal cutcherries in his estate or talook. Every ryot shall be entitled to receive corresponding pottahs, on application, and no pottahs of any other form shall be hereafter held valid.*] Rescinded by Sec. iii. Reg. V. 1812.

Ryots may demand pottahs of proprietors of land and farmers, who are also required to grant them.

Penalty in case of refusal.

LIX.* A ryot, when his rent has been ascertained and settled, may demand a pottah from the actual proprietor of land, dependent talookdar or farmer, of whom he holds his lands, or from the person acting for him: and any refusal to deliver the pottahs, upon being proved in the court of See Sec. iii. Reg. V. 1812.

* See note to Section liv.

Dewanny Adawlut of the zillah, shall be punished by the court, by a fine proportioned to the expense and trouble of the ryot in consequence of such refusal. Actual proprietors of land, dependent talookdars, and farmers, are also required to cause a pottah for the adjusted rent to be prepared and tendered to the ryot, either granting the same themselves, or intrusting their agents to grant the same. No farmer, however, without special permission from the proprietor of the lands, or (if the lands form part of a dependent talook) the dependent talookdar, shall grant a pottah extending beyond the period of his own lease; nor shall any agent grant a pottah without authority from the proprietor or dependent talookdar or the manager of disqualified proprietors.

Restrictions on farmers and agents in granting pottahs.

LX. *First.* All leases to under-farmers and ryots made previous to the conclusion of the settlement, and not contrary to any Regulation, are to remain in force until the period of their expiration, unless proved to have been obtained by collusion or from persons not authorized to grant them.

All existing leases to under-farmers and ryots to remain in force until the period of their expiration.

Exception to the rule.

Second. No actual proprietor of land or farmer, or persons acting under their authority, shall cancel the pottahs of the khood kasht ryots, except upon proof that they have been obtained by collusion; or that the rents paid by them within the last three years have been reduced below the rate of the nirkbundy of the pergunnah; or that they have obtained collusive deductions; or upon a general measurement of the pergunnah for the purpose of equalizing and correcting the assessment. The rule contained in this clause is not to be considered applicable to Behar.

No proprietor of land, or dependent talookdar or farmer of land, shall cancel the pottahs of khood kasht ryots, except in certain specified cases.

LXI.* The proprietors of estates, and the dependent talookdars and farmers of land in Bengal, are allowed until the end of the Bengal year 1198, and those in Behar and Orissa until the end of the Fussily and Willaity year 1198, to prepare and deliver pottahs to the ryots, in conformity to the preceding rules; [*but after the expiration of the year* 1198 *no engagements for rent, contrary to those ordered, are to be held valid;*] and in the event of any claims being preferred by proprietors of estates, or dependent talookdars, farmers, or ryots, on engagements wherein the consolidation of the assul, abwab, &c. shall appear not to have been made, they are to be nonsuited, with costs.

Rescinded by Sec. iii. Reg. V. 1812.

Time allowed to proprietors of land and dependent talookdars and farmers of land to prepare and deliver pottahs to the ryots.

Claims on engagements contrary to those ordered how to be considered and decided on.

Rescinded by Sec. ii. Reg. XII. 1817; and Sec. ui. Reg. I. 1819.

LXII. First. [*The annual revenue to be paid to Government from the estates of the proprietors of land with whom a settlement has been or may be concluded, having been declared fixed for ever, and courts of justice having been established, with powers to protect them against all demands exceeding that fixed revenue, whether made by the officers of Government or other persons, or by the authority of Government itself, and on the other hand, the grounds on which deductions and abatements were heretofore occasionally obtained by proprietors of estates when their jumma was liable to frequent variation no longer existing, neither their rights nor the value of their property can be affected in future by the real produce of their estates being known. The rules, therefore, hereafter prescribed regarding putwarries, which are framed solely to facilitate the decision of suits in the courts of*

Rules regarding putwarries.

* See note to Section liv.

judicature between proprietors and farmers of lands and persons paying rent or revenue to them, and to guard against any diminution of the fixed revenue of Government or injustice to individuals, by enabling the collectors to procure the necessary information and accounts for allotting the public jumma upon estates that may be divided, agreeably to the principles prescribed in Regulation I. 1793, *can be objected to by those proprietors only who may have it in contemplation, in the event of the division or transfer of a portion of their estates, to deprive Government of a part of the fixed revenue, or defraud some of the partners in their estates by obtaining a disproportionate allotment of the public assessment on the several shares, or to oppress the persons paying rent or revenue to them with impunity, by withholding from the courts of justice the documents necessary to enable them to afford redress to the complainants. It being essential to the security of the public revenue, as well as of private rights and property, and at the same time consistent with the ancient usages of the country and the declarations in the proclamation announcing the public assessment on the lands fixed for ever, that Government should have the means of counteracting such unjustifiable views, the following rules have been adopted :*]

Rescinded by Sec. ii. Reg. XII. 1817; and Sec. iii. Reg. I. 1819.

Proprietors to appoint a putwarry to keep the accounts of each village.

Second. [*Every proprietor of land who may not have established a putwarry in each village in his or her estate, to keep the accounts of the ryots, as required by the original rules for the decennial settlement of the three provinces, shall immediately appoint a putwarry in each village for that purpose. All proprietors of estates are to deposit in the Dewanny Adawlut of the zillah, the collector's cutcherry, and the principal cutcherry in each mohaul or pergunnah, a list of the putwarries in their respective estates, and the names of the villages the accounts of which they may be severally appointed to keep. The proprietors are to notify every three months to the court and the collector, all vacancies that may occur, and the names of the persons whom they may appoint to fill them. The Board of Revenue are empowered to authorize any proprietor to reduce the number of putwarries in such proportion as they may think proper, in cases in which it may appear to them unnecessary to entertain a separate putwarry for each village.*]

Board of Revenue may authorize proprietors to reduce the number of putwarries.

Putwarries to produce all accounts required by the courts of judicature.

Third. [*The putwarries in every estate are to produce all accounts relating to the lands, produce, collections, and charges of the village or villages, the accounts of which may be kept by them respectively, and to furnish every information and explanation that may be required regarding them, whenever they may be required by any court of justice, to adjust any suit that may be depending before the court between the proprietor or farmer of the estate and the ryots, or pany ersons paying rent or revenue to them, or any other suit.*]

and also for the allotment of the public, revenue, in the cases herein specified, when required by the collector

Fourth. [*The putwarries in each estate shall also produce the accounts specified in the preceding clause, and furnish every explanation and information that may be required respecting them, for the allotment of the public revenue agreeably to the principles laid down in Regulation I.* 1793, *in the event of the whole or any portion of the estates being directed to be disposed of at public sale, or being transferred by any private act of the proprietor or proprietors, or of the estate being ordered to be divided pursuant to a decree of a court of judicature, or where it may be a joint estate, in consequence of the request of one or more of the proprietors. But no collector is to require a putwarry to attend him and produce his accounts, but for the purposes above mentioned, or in any other cases in which they may be expressly empowered*

Cases in which the collectors are prohibited requiring accounts from putwarries, and

Rescinded by Sec. ii. Reg. XII. 1817; and Sec. iii. Reg. I. 1819.

to require them, by any Regulation printed and published in the manner directed in Regulation XLI. 1793. *If any collector shall require the putwarry of any village or villages to attend him and produce the village accounts for purposes, or in cases in which he may not be authorized to inspect them, the Court of Dewanny Adawlut, upon the circumstances being represented to it by the proprietor of the estate, is empowered to make an order to prohibit the collector requiring the accounts, and in the event of his repeating the requisition, to adjudge him to pay a fine to the proprietor of the estate, of such sum as to the court may appear proper, and to levy the fine in the mode in which the courts are empowered to levy fines from the collectors in the suits described in Section XXXIII. Regulation XIV.* 1793.]

penalty for breach of the prohibition.

Fifth. [*When a collector shall require the attendance of a putwarry for the examination of his accounts, either before him or any officer whom he may depute for the purpose, he is to serve such putwarry with a written notice, under his official signature and the seal of the zillah, to attend with the accounts required, which are to be particularized in the notice. If he shall omit to attend with the accounts by the limited time, and shall not show good cause to the collector for the omission, the collector is authorized to represent the circumstances through the vakeel of Government to the Court of Dewanny Adawlut of the zillah, the judge of which, provided there shall appear to him sufficient cause for so doing, may order such putwarry to be committed to close custody until he produces the accounts. The courts are to observe the same process with putwarries who may omit to attend with their accounts when required, for the adjustment of any matter or dispute depending before the courts.*]

How the collectors and the courts are to compel the attendance of putwarries.

Sixth. [*Putwarries shall be required to swear to the truth of the accounts they may produce when deemed necessary; and in the event of the collector having occasion to proceed in person, or to depute an officer to examine any village accounts on the spot, the judge, upon application being made to him for that purpose by the collector through the vakeel of Government, may grant to him, or to such officer, a commission to swear the several putwarries whose accounts are to be inspected, inserting in the commission the name of each putwarry to be sworn. If the collector shall have occasion to examine the accounts of a putwarry at the station at which the court may be established, he is to cause him to be sworn before the court, if he shall judge it necessary to require him to make oath to the truth of his accounts.*]

Putwarries may be required to swear to the truth of their accounts.

Seventh. [*If a putwarry shall have sworn to the truth of any account that he may have been required to produce before a court of justice, for the purpose of deciding any matter before the court, and the accounts shall afterwards be found to have been fabricated or altered, or not to be the true accounts, the judge of the court is empowered to commit him to be tried for perjury before the Court of Circuit.*]

Putwarries liable to be prosecuted criminally for swearing to false accounts in a court of judicature,

Eighth. [*If a putwarry shall have been sworn before a judge, or before a collector, or the officer of a collector, to any accounts that he may have been required to produce before the collector or his officer, in a case in which the collector may have been empowered to require him to produce such accounts, and the accounts shall afterwards appear to have been fabricated or altered, or not to be the true accounts, the collector is empowered to employ the vakeel of Government to prosecute such putwarry for perjury. In the cases specified in this and the preceding clause, if it shall be proved to the satisfaction of the court that the accounts were fabricated, altered, or changed, by the orders,*

or before a collector.

Punishment for proprietors or farmers concerned in falsifying the accounts.

or with the knowledge or connivance of the proprietor or farmer of the estate, the court shall impose such fine upon the proprietor or farmer so offending, as may appear to it proper, upon a consideration of the case and the situation and circumstances of the offender.]

How proprietors omitting to appoint putwarries are to be proceeded against.

Ninth. [*Upon the accounts of any village being ordered to be produced, if it shall be found that no putwarry has been appointed to keep the accounts of the ryots, in conformity to the rules prescribed in Clause Second, the court, provided it be a case in which the requisition of the accounts may be authorized, shall fine the proprietor for the first offence, in such sum as it may judge proper upon a consideration of his or her situation and circumstances and the nature of the case; and for the second offence, twice the amount of the fine for the first; and for the third and every subsequent offence, double the amount of the fine for the preceding one. If the accounts shall have been required by the collector, he is to order the vakeel of Government to sue the proprietor on the part of Government under this section, for a breach of the rule in Clause Second.*]

Above rules regarding putwarries applicable also to dependent talooks.

Tenth. [*The rules contained in this section are hereby declared equally applicable to dependent talooks, as to estates paying revenue immediately Government.*]

Proprietors of land, dependent talookdars, farmers, and their agents, to give receipts for all sums received as rent or revenue, under the penalty herein specified.

LXIII. *First.* Every proprietor of land, dependent talookdar or farmer of land, of whatever description, and their agents of every gradation, receiving rents or revenues from dependent talookdars, under-farmers, ryots, or others, are to give receipts for all sums received by them, and a receipt in full on the complete discharge of every obligation. Any person to whom a receipt may be refused, on his establishing the same in the Dewanny Adawlut of the zillah, shall be entitled to damages from the party who received his rent or revenue and refused the receipt, equal to double the amount paid by him.

Rents of absconded ryots not to be demanded from those who remain.

Second. In case any village or lands should be affected by inundation or other calamity, causing the ryots to desert, it shall not be lawful for any proprietor of land, dependent talookdar or farmer of land, of whatever description, or their agents, to demand the rents of the absconded ryots from those who may remain.

Rules for adjusting the mofussil kistbundies.

LXIV. The proprietors of land, dependent talookdars and farmers of land, of every description, are to adjust the instalments of the rents receivable by them from their under-renters and ryots, according to the time of reaping and selling the produce, and they shall be liable to be sued for damages for not conforming to this rule.

Proprietors and dependent talookdars restricted from entering into engagements contrary to this Regulation.

LXV. [*No proprietor of land or dependent talookdar shall contract any engagement with any under-farmer, or authorize any act contrary to the letter and meaning of this Regulation.*]

Rescinded as regards engagements for rent by Sec. iii. Reg. V. 1812.

Landholders and farmers of land of every description, and their dependents, prohibited interfering in any matters coming within the cognizance of the civil or criminal courts of judicature, or the magistrates.

LXVI. Zemindars, independent talookdars, and other actual proprietors of land, dependent talookdars, farmers of land holding farms immediately of Government, and all persons farming lands of the above-mentioned descriptions of landholders and farmers of land, and their respective officers, agents, servants, dependents, and ryots, are prohibited from taking cognizance of, or interfering in matters or causes coming within the

jurisdiction of the courts of civil judicature, or the *Courts of Circuit*, or the magistrates, under pain of being liable to the payment of such fine to Government, and damages to the party injured, as the court of judicature in which they may be prosecuted for the act may deem it proper to impose and award.

Restrictions in the cubhooleats, not repealed by any Regulation, to be considered in force.

LXVII. *First.* Such of the restrictions on actual proprietors of land and farmers who hold their farms immediately of Government, as are set forth in their respective cubhooleats and are not repealed by any Regulation printed and published in the manner directed in Regulation XLI. 1793, are to be considered in full force.

Proprietors of land entitled to borrow money or sell their estates of their own authority, from the date of the settlement being concluded with them.

Second. Actual proprietors of land are to be considered to have been entitled, between the period of the conclusion of the settlement with them and the 22nd March, 1793, the date of the proclamation declaring the decennial settlement perpetual inserted in Regulation I. 1793, to borrow money on the credit of their lands, and to sell or otherwise dispose of them, subject to the rules and restrictions existing when the transactions took place; and all bonâ fide transfers of zemindarries, or other estates or talooks, made by any actual proprietor of land or dependent talookdar, subsequent to the 8th June, 1787, are to be deemed valid, although they shall have taken place without the sanction of the Board of Revenue required to be obtained by the Regulations passed on that date; and all actual proprietors of land and dependent talookdars are to be held to have been at liberty, from the 29th October, 1790, to borrow money without the sanction of the Board of Revenue.

Bonâ fide transfers of estates of talooks made subsequent to the 8th June, 1787, to be held valid.

Rules regarding the recovery of arrears of rent or revenue from ryots, or under-farmers, contained in Regulation XVII. 1793.

Third. In the amended code of the rules for the decennial settlement, passed on the 23rd November, 1791, it was declared, that in all instances in which ryots should give security for the performance of their engagements, and such security should be accepted by the landholders or farmers, it should not be lawful for the two latter to attach the crop of the former, unless the security should have absconded and other good security not have been tendered in consequence. This rule was anulled by the Regulations passed by the Governor-General in Council on the 20th July, 1792, which have been re-enacted, with alterations and amendments, by Regulation XVII. 1793.

Proprietors and farmers of land deprived of police jurisdiction.

Fourth. In the original rules for the decennial settlement the landholders were declared responsible for the peace of their districts, and bound to act agreeably to such Regulations on that head as might afterwards be enacted. This rule was superseded by the Regulations passed by the Governor-General in Council on the 7th December, 1792, which have been re-enacted, with alterations and amendments, by Regulation XXII. 1793.

Collector to attend to the spirit of the rules in this Regulation, where they may not be applicable to particular districts.

Fifth. In the original rules above mentioned it was also directed, that if, in any instance, the Regulations should appear inapplicable to the circumstances of any particular district, the collector should attend to the spirit of them, and carry them into execution in such mode as circumstances might allow, reporting any alterations or modifications which he might deem necessary. This rule is to be considered still in force in forming any settlements which remain to be concluded, but it is not to be construed to empower the collector to exercise any judicial authority.

See Sec. xi. Reg. VII. 1822.

Restrictions under which this rule is to be applied.

In what cases the set-

Sixth. It was further ordered in the original rules before mentioned,

tlement was to be concluded under the Regulations which existed prior to the original rules for the decennial settlement.

that if, from want of sufficient materials or information, or on account of other impediments, the collectors should be unable to complete the settlement of all the pergunnahs under their charge, agreeably to the prescribed plan, within the year 1197 of the eras current in the three provinces respectively, the settlement was to be made for one year only, according to the principles laid down in the Regulations of the 25th April, 1788, for the settlement of 1196, the year preceding the first year of the decennial settlement.

BENGAL SPECIAL ORDERS.

What is to be considered as the standard in fixing the assessment.

LXVIII. In fixing the amount of the assessment, the jumma of the preceding year, compared with the accounts and information supplied by the collectors, and the recommendation of the Board of Revenue founded thereon, is to be the standard, under the following considerations.

Cases wherein the Board of Revenue may postpone the decennial settlement.

LXIX. If the Board of Revenue shall have reason to believe that the accounts furnished of any particular district or districts are materially defective, that more accurate information of their actual produce is necessary, and that it can be procured without having recourse to hustaboods and measurements, which have been prohibited, the decennial settlement of such districts is to be postponed.

No abatement from the jumma of the preceding year is to be allowed without special sanction.

LXX. No abatement from the jumma of the preceding year is to be allowed, without the special sanction of the Governor-General in Council.

LXXI. Any occasional diminution of the jumma which it may be necessary to allow on account of casualties of season, is to be restored by a *russud*, or *progressive increase*; but no *russud* shall be established to extend beyond the third year of the settlement, except in the separated talooks, and other petty mehals, in which the Board of Revenue may allow a further extension of the russud, if it shall appear to them expedient.

Settlements to be made as far as possible in one neat sum, free from all charges of the nature herein specified.

LXXII. The settlement is to be made, as far as possible, in one neat sum, free from any charges of moshaira, zemindar[illegible] amlah, poolbundy, cutcherry charges, or others of a similar nature; it being intended, that all charges incidental to the receipt of the rents of the lands, and independent of the allowances of the officers of Government and expenses attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands.

Separate allowances to families of proprietors to be abolished and provided for by the proprietors.

LXXIII. In every possible case, all separate allowances to the families and connections of the proprietors of land are to be abolished, and the provision for their maintenance is to devolve upon the proprietors.

Established zemindarry charges which are to be paid by the collectors except in certain cases.

LXXIV. With respect to any of the existing established zemindarry charges, such as pensions, charitable or other allowances, which it may be thought proper to continue, they shall be paid by the collectors, and the proprietors and farmers of land are to have no concern in them; unless, for special reasons of convenience, it should be deemed more expedient, in

any instance, to intrust the proprietors or farmers of land with the disbursement of them.

LXXV. The standard for fixing the future assessment, mentioned in Section LXVIII. viz. the jumma of the preceding year compared with the accounts and information supplied by the collectors, and the recommendation of the Board of Revenue thereon, cannot be applied, however, to the separated talooks, which have not heretofore paid any jumma immediately to Government; nor is it to be understood to be applicable to any instances where the actual produce of the lands may have been ascertained. In all such instances, and in all separated talooks, the jumma of which shall clearly appear to have been fixed below the general rate of assessment of the pergunnah wherein they are situated, the assessment is to be regulated, so as to leave to the proprietors a provision for themselves and families equal to about ten per cent. on the amount of their contributions to Government, including the produce of their nankar, or other private lands, to be annexed to the malguzarry lands, as directed in Section XXXIX.; and the talookdars, whose jumma may be raised by virtue of this rule, are to be informed, that they may sue in the Dewanny Adawlut the proprietor who fixed their jumma, if they shall think themselves aggrieved by their payments being enhanced, contrary to the terms of a grant which the zemindars had no authority to bestow on them.

Exceptions to the application of the standard of assessment mentioned in Section lxviii.

Separated talookdars, whose jumma may be raised under this section, at liberty to sue the zemindars who fixed their jumma.

LXXVI. From this rule, however, are to be excepted all separated talooks, as well as all lands heretofore paying revenue immediately to Government, which may have been held at a fixed jumma during the last twelve years; and the decennial settlement is to be concluded with the proprietors of such talooks and lands at the jumma hitherto paid by them, subject to such deduction as may be found equitable on account of the sayer, resumed or abolished.

Exceptions to the preceding rule in favour of separated talookdars and others who have paid a fixed jumma for the last twelve years.

LXXVII. The estimated provision for the landholders and their families, where the assessment may be fixed on the ascertained produce of their lands, is stated generally at ten per cent. on the jumma payable by them: but if, owing to any peculiar circumstances, a larger provision should be deemed necessary, particularly in zemindarries or independent talooks yielding a small revenue, the Governor-General in Council will take the same into consideration.

Circumstances which may render a larger provision than ten per cent. necessary will be taken into consideration.

LXXVIII. In carrying into execution the principles contained in Section LXVIII. it will be necessary to consider, whether the several charges noticed have been heretofore defrayed by the actual proprietors of land, independent of their assessment, or by Government, with a view to determine whether a deduction is to be allowed from their future jumma to provide for them, or otherwise.

Points to be considered in carrying into execution the principles contained in Section lxviii.

LXXIX. In cases where the charges alluded to in the preceding section have been defrayed by the actual proprietors of land, independently of their jumma to Government, they will not, of course, be entitled to any deduction on account of them; but where they have been heretofore paid by Government, the jumma must suffer a proportionate diminution, unless

Cases in which a deduction is or is not to be allowed for the charges herein alluded to.

there be sufficient funds for the discharge of them in addition to the former jumma. With respect to the moshaira, in particular, it is to be observed, that where the lands have been let in farm, but are now left with the proprietor, the latter may be presumed to receive an equivalent for his former allowance in the profits of the farmer, which will revert to him.

Rule respecting moshaira.

Mofussil charges to be considered in calculating the assessment when the gross assets shall have been ascertained.

Statement required from the collectors.

LXXX. Where the jumma may be fixed on the ascertained gross assets, the mofussil charges of every denomination, whether dehatee, pergunnatee, or others, must further be considered in calculating the proper assessment; and the collectors are to transmit a statement of the estimated gross assets, with an adjustment of the revenue thereto, conformably to the above rules.

Every circumstance influencing the regulation of the jumma to be recorded.

LXXXI. Every circumstance influencing the regulation of the jumma is to be minutely recorded, to prevent any claims hereafter on the part of the proprietors or farmers for lowering the amount.

BEHAR SPECIAL ORDERS.

Principles to be observed in fixing the jumma to be paid by the proprietors.

LXXXII. The jumma which each actual proprietor of land is to pay, is to be fixed by the collector on fair and equitable principles, with the reserve of the approbation of the Board of Revenue, to whom he is to report the grounds of his decision on the jumma. If he should deem it eligible, he may call upon the actual proprietors of land to deliver in proposals for the settlement of their lands; but his judgment is, in the first instance, to determine the amount of the assessment.

Modes to be attended to in ascertaining the assets for the purpose of fixing the jumma.

General rule to be adopted in all practicable instances.

Measurement authorized in certain cases.

LXXXIII. The collectors, in fixing the jumma, are to attend to the modes which have hitherto prevailed in ascertaining the assets, and fixing the jumma between the proprietors of small estates and the principal proprietor or farmer, adopting, in all practicable instances, the following general rule; that the average product of the land in common years (assuming three or four for the calculation) be taken as the basis of the settlement, and from this deductions be made equal to the malikanah and khurcha, leaving the remainder the jumma of Government. The Governor-General in Council relies on the accuracy of the collectors in the application of this rule; and they are authorized, in the event of great uncertainty, to measure the lands. This uncertainty, however, is to be reported to the Board of Revenue; and the measurement is not to be undertaken, but on the clearest grounds of the necessity of it.

Exception to the above rules.

LXXXIV. From the above rules are to be excepted all lands heretofore paying revenue immediately to Government, which may have been held at a fixed jumma during the last twelve years; and the decennial settlement is to be concluded with the actual proprietors of such lands at the jumma hitherto paid by them, subject to such deduction as may be found equitable on account of the sayer, resumed or abolished.

No abatement from the sudder jumma of

LXXXV. No abatement from the sudder jumma of 1196 is to be

confirmed, without the special sanction of the Governor-General in Council.

1196 to be confirmed without special sanction.

LXXXVI. The sudder kistbundy is to be so regulated as to afford the proprietors of land all possible convenience in the discharge of their revenue, with due regard to the security of Government.

Principle to be observed in regulating the sudder kistbundy.

LXXXVII. The collectors are to proceed with due caution and information in the execution of these fundamental resolutions; and it is expected they will be able, when called upon, to furnish clear and satisfactory explanations of their proceedings, particularly on the amount of the assessment.

Collectors to proceed with caution in the execution of these rules, and are expected to be able to furnish clear explanations of their proceedings.

MIDNAPORE SPECIAL ORDERS.

LXXXVIII. The collector is authorized to make alterations in the jumma of 1196, when, from good information and his own experience, it may appear necessary to render the jumma of the respective zemindars, independent talookdars, and other actual proprietors of land, more equal and proportioned to the resources of their lands.

In what cases the collector is authorized to make alterations in the jumma of the past year.

LXXXIX. In order to ascertain the necessity of granting any remissions upon the jumma of 1196, the collector is to examine the wassilaut and akhrajaut, or the gross receipts and expenditures, comparing the one with the other, and checking the latter when exorbitant; and he is particularly to ascertain, to his full satisfaction, those instances in which the zemindars, independent talookdars, or other actual proprietors of land, have been under the necessity of selling their lands and effects to make good the amount of their stipulations.

Mode to be adopted to ascertain the necessity of granting remissions upon the last year's jumma.

XC. To obviate and correct, as far as possible, any unnecessary or studied delays in the zemindars and talookdars, in giving the accounts required, he is authorized to impose a moderate fine upon such of them as may be guilty of delays or evasions, reporting the cases as they may occur to the Board of Revenue.

Fine may be imposed on proprietors guilty of delays in giving the accounts which may be required in conformity to the preceding sections.

These cases to be reported to the Board of Revenue.

XCI. In cases of great doubt and uncertainty, the collector is authorized to measure the lands, or make such mofussil investigations into the produce of them as he may deem necessary for ascertaining the truth.

Measures authorized in cases of great doubt or uncertainty.

XCII. The collector is authorized, upon the grounds of the information obtained in the mode above pointed out, to grant remissions upon the jumma of 1196, the Governor-General in Council expecting that no remission will be allowed but upon satisfactory explanations of the necessity of it; but the settlement is to be made under an express reserve and limitation, that it be approved and confirmed by the Governor-General in Council, and a declaration to this effect is to be made to the proprietors.

Collector may grant remissions upon the jumma of the last year, but the settlement to be made subject to the confirmation of the Governor-General in Council.

XCIII. The estimated allowance for casual deficiency upon the gross jumma is to be reduced from Rupees 1,30,477 to the sum of

Estimated allowance for casual deficiency to be reduced, and in what proportion.

Rupees 50,546, which is three per cent. upon the gross jumma of 16,84,868. 5. 1, after deducting from it the article of batta.

Allowance for religious expenditures to be reduced, and rules for this reduction.

XCIV. The allowance for religious expenditures being enormous, shall also be reduced. The Governor-General in Council does not mean to prescribe the exact amount of the reduction, but conceives that the sum now allowed will admit of a diminution of at least 35,000 rupees. The collector, in fixing the assessment, is to regulate the estimate of the amount of it by this consideration. These charges being highest in the pergunnahs of Cossejurah, Shahpore, Midnapore, and Mynachoura, the reduction ought to be greatest in them.

Charges for purchasing provisions, &c. for the battalion, to be discontinued.

XCV. The charges of purchasing provisions for the battalion when in the town of Midnapore, and of firewood and grass when travelling, if such have been actually incurred by the proprietors of land, are to be discontinued, and no such charge shall be incurred by them in future.

Settlement to be made, as far as possible, in one neat sum, free of all charges of the nature herein specified.

XCVI. The settlement is to be made, as far as possible, in one neat sum, free from any charges of moshaira, zemindarry amlah, poolbundy, cutcherry, or other charges of a similar nature; it being intended that all charges incidental to the receipt of the rents of the lands, independent of the allowances of the officers of Government and expenses attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands.

Established zemindarry charges are to be paid by collectors, except in certain cases.

XCVII. With respect to any of the existing established zemindarry charges, such as pensions, charitable allowances, or others, which it may be thought proper to continue, they are to be paid by the collectors, and the proprietors are to have no concern in them; unless, for special reasons of convenience, it should be deemed more expedient, in any instance, to intrust the landholders with the disbursement of them.

Cases in which a russud may be allowed, and for what period.

XCVIII. Any occasional diminution of the jumma, which it may be necessary to allow on account of casualties of season, is to be restored by a russud or progressive increase; but no russud shall be established to extend beyond the third year of the settlement, except in the separated talooks and other petty mehals, in which the Board of Revenue may allow a further extension of the russud, if it shall appear to them expedient.

Every circumstance influencing the regulation of the jumma to be recorded.

XCIX. Every circumstance influencing the regulation of the jumma must be minutely recorded, to prevent any claims hereafter, on the part of the proprietors, for lowering the amount of it.

SALT DISTRICTS SPECIAL ORDERS

In what respects the above regulations are not to be considered applicable to such of the salt districts as have been held khas.

C. The rules contained in the preceding sections of this Regulation, as far as they relate to the term of the settlement and the formation of it with the actual proprietors of land, are not to be considered as applicable to such of the salt districts as have been held khas in the past years,

to facilitate the conduct of the business of the salt manufacture. These are to continue khas as heretofore, and the assessment of them is to be from year to year as hitherto, until the Governor-General in Council shall think it proper to pass a Regulation to the contrary.

See Sec. iii. Reg. V. 1812.

CI. The collectors of the revenue in the districts alluded to in the preceding section have been ordered to prepare and deliver pottahs to the ryots conformably to the rules prescribed in this Regulation, and within the period limited for the delivery of them in Midnapore.

Pottahs, however, have been ordered to be prepared and delivered to the ryots, conformably to the rules prescribed for Midnapore.

A.D. 1793. REGULATION IX.*

Reg. IX. 1793.

A REGULATION *for re-enacting, with Alterations and Modifications, the Regulations passed by the Governor-General in Council on the 3rd December,* 1790, *and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors:* PASSED *by the Governor-General in Council on the* 1*st May,* 1793.

I. PURSUANT to the Regulations passed by the President and Council on the 21st August, 1772, Criminal Courts, denominated Foujdarry Adawluts, were established in the interior parts of the provinces for the trial of persons charged with crimes or misdemeanors; and the collectors of the revenue, who were covenanted servants of the Company, were directed to superintend the proceedings of the officers of those courts, and on trials to see that the necessary witnesses were summoned and examined, that due weight was allowed to their testimony, and that the decisions passed were fair and impartial. By the same Regulations, a separate and superior Criminal Court was established at Moorshedabad, under the

* This very comprehensive Regulation contains the fundamental rules for the administration of the criminal law in the successive stages from the first apprehension to the final disposal of accused persons. So many and great changes have been wrought by successive enactments in most of the points here treated, that to note them all by marginal references would load the pages with an unseemly and inconvenient mass of figures.

It may be stated generally, that the office of magistrate has been transferred from the judge to the collector of the district, under the operation of Regulation XVI. 1810, and IV. 1821; that the powers of that officer to try and punish offenders have been considerably enlarged by Regulations IX. 1807, XII. 1818, and VII. 1819; that the power to punish has been conferred on assistant magistrates, joint magistrates, and on native and other uncovenanted functionaries by Regulation III. 1821, and Act XV. 1843; that the Courts of Circuit have been abolished, their powers having been first transferred to commissioners of circuit, and afterwards to session judges under Regulation I. 1829, and Act VII. 1835; that the Mahomedan law has, in many and very important respects, been modified and amended by Regulations IV. and XIV. 1797, VIII. 1799, VIII. 1801, and LIII. 1803; that the requisition of a futwa has in many cases been dispensed with, under Regulation I. 1810, Acts XXX. 1836, XXIV. 1843, and XI. 1848; that persons not Mahomedans are entitled to be exempt from its operation under Reg. VI. 1832,—and that corporal punishment has been abolished by Regulation II. 1834.

The Tables and Indexes annexed to this work will, it is hoped, supply all the detailed information which may be required on those subjects.

denomination of the Nizamut Adawlut, for revising the proceedings of the Provincial Criminal Courts in capital cases, and the Committee of Revenue at Moorshedabad was vested with a control over this court, similar to that which the collectors of the revenue were empowered to exercise over the Provincial Courts. Upon the abolition of the Committee of Revenue at Moorshedabad, the Nizamut Adawlut was removed to Calcutta, and placed under the charge of a darogah or superintendent, subject to the control of the President of the Council, who revised the sentences of the Criminal Courts in capital cases. The above arrangements continued in force, without any considerable alteration, until the 18th October, 1775, when the entire control over the department of criminal justice was committed to the Naib Nazim. The Nizamut Adawlut was, in consequence, re-established at Moorshedabad, and the Naib Nazim appointed native officers, denominated foujdars, assisted by persons versed in the Mahomedan law, to superintend the Criminal Courts in the several districts, and to apprehend and bring to trial offenders against the public peace. This system was adhered to, without any material variation, until the 6th April, 1781, when the institution of foujdars not having answered the intended purposes, the general establishments both of foujdars, and the tannahdars or police officers acting under them, were abolished. Foujdarry Courts, however, were continued in the several divisions, subject, as before, to the control of the Naib Nazim as superintendent of the Nizamut Adawlut, and the English judges of the Courts of Dewanny Adawlut were appointed magistrates, with a power to apprehend decoits and persons charged with crimes or misdemeanors within their respective jurisdictions, and commit them to the nearest Foujdarry Court for trial. With a view to enable Government to superintend, in some degree, the administration of justice in criminal cases, a separate department was at the same time established at the presidency, under the control of the Governor-General, to receive monthly returns of the sentences passed in the Foujdarry Courts; and for the assistance of the Governor-General in this duty, a covenanted civil servant of the Company was appointed, with the official appellation of remembrancer to the Criminal Courts. From the inefficacy, however, of the authority of the English magistrates over the zemindars and other landholders, the administration of justice in criminal cases was much impeded, whilst the Regulation which vested the magistrates with the power of apprehending offenders, but without permitting them to interfere in any respect in the trials, gave rise to a new evil. The magistrates being obliged to deliver over to the darogahs, or superintendents of the Foujdarry Courts, all persons charged with a breach of the peace, however trivial, and a considerable time often elapsing before they were brought to trial, many of the lowest and most indigent classes of the people were frequently detained for a long period in prison, where their sufferings often exceeded the degree of their criminality. The magistrates, therefore, on the 27th June, 1787, were vested with authority to hear and decide on complaints of petty affrays, abusive names, and other slight offences, and under certain restrictions, to inflict corporal punishment and impose fines on the offenders. But the numerous robberies, murders, and other enormities, which continued to be daily committed throughout the country, evincing that the administration of criminal justice was still in a very defective state; and as these evils

appeared to result principally from the great delay which occurred in bringing offenders to punishment, and to the law not being duly enforced, as well as to other material defects in the constitution of the Criminal Courts; and as it was essential for the prevention of crimes, not only that offenders should be deprived of the means of eluding the pursuit of the officers of justice, but that they should be speedily and impartially tried when apprehended, the Governor-General in Council passed certain Regulations on the 3rd December, 1790, establishing Courts of Circuit under the superintendence of English judges, assisted by natives versed in the Mahomedan law, for trying in the first instance persons charged with crimes or misdemeanors, and enabling the Governor-General and the members of the Supreme Council to sit in the Nizamut Adawlut (which was for that purpose again removed to Calcutta), and superintend the administration of criminal justice throughout the provinces. Those Regulations, with the subsequent amendments, are now re-enacted, with further alterations and modifications.

Modified by Secs. ii. to v. Reg. XVI. 1810, Reg. IV. 1821, and Act XV. 1843.

Judges of the Zillah and City Courts of Dewanny Adawlut to be magistrates in their respective jurisdictions.

II. The *Judges of the Dewanny Adawlut of the several zillahs, and of the cities of Patna, Dacca, and Moorshedabad*, shall hold the office of magistrate of the zillah or city under their respective jurisdictions. Previous to entering upon the execution of the duties of the office, they shall take and subscribe the following oath before the Governor-General in Council, or any person whom he may commission to administer it:

See Act XXI. 1837.

Oath of the magistrates.

"I, A. B., appointed magistrate of the zillah (or city) of ———, solemnly swear, that I will, to the best of my ability, preserve the peace of the zillah (or city) over which my authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, reward, or emolument whatsoever, in the execution of, or on account of any matter relating to the duties of my office, excepting such as the orders of the Governor-General in Council do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities, and judgment, conformably to the Regulations that have been or may be passed by the Governor-General in Council: So help me God."

Special jurisdiction of the magistrates of the several zillahs and cities.

Modified by Secs. ii. and iii. Reg. XVI. 1810. See Reg. VIII. 1822.

III. The special jurisdiction of the magistrates of the cities of Patna, Dacca, and Moorshedabad, is to extend throughout those cities respectively, and the places adjacent, that now are or may be subjected to their immediate authority. The special jurisdiction of the magistrates of the several zillahs is to extend throughout the districts included in the zillahs in which they are respectively stationed. Provided, however, that the special jurisdiction of the magistrates of the zillahs of Behar proper, Dacca Jelalpore, and Moorshedabad, be not held to extend to the cities of Patna, Dacca, or Moorshedabad, nor to any places adjacent thereto, which now are or may be included in the special jurisdiction of the magistrates of those cities; and that the magistrate of the Twenty-four Pergunnahs be not considered to have any jurisdiction or authority whatever in the town of Calcutta, or any places adjacent within the limits of the jurisdiction of the Supreme Court of Judicature.

Magistrate to apprehend all robbers and other persons charged with crimes or misdemeanors.

IV. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, house-breakers, all disturbers of the peace, and persons charged before him with crimes or misdemeanors.

Magistrate to apprehend offenders upon complaints being preferred in writing, and the prosecutor swearing to the charge

What the warrant is to contain

Prisoner to be examined, but not upon *oath*, and his deposition to be committed to writing

Prosecutor and his witnesses to the charge to be examined upon *oath*, and their depositions to be committed to writing

Magistrate to discharge the prisoner, if after inquiry there shall not appear to him sufficient grounds for commitment, recording his reasons for so doing, and submitting them to the judges *at the next assizes*

Magistrate to commit the prisoner, or to hold him to bail to take his trial, if there shall appear to him sufficient grounds for so doing.

All bail-bonds and recognizances to be for specific sums, to be forfeited upon non-performance of the conditions

Rule for determining the amount of such sums.

Rescinded by Sec. II. Reg. IX. 1807.

V. [*Upon a complaint in writing being preferred to the magistrate against any person for murder, robbery, or any crime or misdemeanor, the magistrate, upon the party complaining making oath to the truth of the complaint, shall issue a warrant, under his seal and signature, for the apprehension of the person complained against, in which shall be specified the crime or misdemeanor with which he may have been charged.*] Upon the prisoner being brought before the magistrate he shall inquire into the circumstances of the charge, and examine the prisoner and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The complainant and the witnesses shall be examined upon *oath*, but the prisoner shall not be required to swear to the truth of his deposition. After this inquiry, if it shall appear to the magistrate that the crime or misdemeanor charged against the prisoner was never committed, or that there is no ground to suspect him to have been concerned in the committing of it, the magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the *Court of Circuit*, with the calendar ordered to be prepared in Section XVII. On the contrary, if it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the magistrate shall cause him to be committed to prison or held to bail (according as the offence may be bailable or not), to take his trial at the *next session of the Court of Circuit*, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence. All bail-bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors and witnesses, shall be for a specific sum, the amount of which shall be determined by the magistrate upon a due consideration of the case and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government in the event of the condition of it not being performed.

Modified by Secs VII Reg IV. 1797; Sec III. Reg. IX 1807; and Secs II. and III Reg VIII. 1830.

See Reg. IX. 1796.

See Sec. IV Reg. VI. 1818

Points to be attended to by the magistrates in their inquiries into charges preferred to them

To ascertain and record the date and the year in which the alleged crime was committed and the time of the day or night

Prisoner's confessions, or confirmations of former confessions, to be attested by the number of witnesses the Mahomedan law requires to render them valid

To have such witnesses in attendance at the *next sessions.*

VI. The magistrates, upon receiving any charge, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed. And when a prisoner confesses before them the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the magistrates are to be careful to have such confession, or confirmation of a former confession, witnessed by as many of their officers, or other creditable persons who may be present at the time it may be made, as the Mahomedan law requires to give it validity, and to cause such witnesses to be in attendance at the *next sessions of the Court of Circuit.* But the magistrates are strictly enjoined to satisfy themselves that all confessions made by prisoners are free and voluntary; and notwithstanding such confessions, they are invari-

See Sec. VII Reg IV. 1797, Cls 6, Sec II Reg. III 1812, Reg. VIII. 1830, and Act XIX 1837.

ably to summon, and bind over to attend at the *next sessions*, the witnesses to the commission of the crime or misdemeanor alleged against the prisoner, that they may be examined before the *Court of Circuit*, in the same manner as if the prisoner had denied the charge. The magistrates are further required to take special care that persons upon being apprehended are not made to suffer corporal punishment, or otherwise ill-treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any other pretext whatever.

To be careful that the confessions of prisoners, or their confirmations of former confessions, are free and voluntary.

Notwithstanding such confessions, to bind over all witnesses to the alleged crime to appear at the *next sessions*.

To take special care that prisoners suffer no ill-treatment after apprehension, to compel them to speak the truth, or for other purpose.

See Sec. ix. Reg. IX. 1807, and Reg. XII. 1818.

VII. Persons accused of murder, robbery, house-breaking, theft, or counterfeiting of the coin, provided there shall appear sufficient grounds for committing them for trial, shall not be admitted to bail.

Crimes which are not bailable.

See Regs. IX. 1807, XII. 1818, VII 1819, and IV. 1820.

VIII. The magistrates are empowered to hear and determine, without any reference to the *Courts of Circuit*, all complaints or prosecutions brought before them for petty offences, such as abusive language, calumny, inconsiderable assaults or affrays, and to punish the offender, when convicted, by committing him to prison for a term not exceeding fifteen days, or by imposing a fine upon him; but the fine is in no case to exceed the sum of fifty *sicca* rupees, unless the offender be a zemindar, independent talookdar, or other actual proprietor of land paying an annual revenue to Government of more than ten thousand *sicca* rupees, or a proprietor of ayma land paying a quit revenue to Government exceeding five hundred *sicca* rupees per annum, or of lakeraje land the annual produce of which may be above one thousand *sicca* rupees; in which cases, such offender shall be liable to a fine not exceeding two hundred *sicca* rupees. The magistrate is to fix the amount of the fine, under the limitations prescribed, upon a due consideration of the nature of the case and the situation and circumstances in life of the offender.

Misdemeanors which the magistrates are authorized to try,

See Sec. v. Reg. IX. 1801.

and the punishment which they are empowered to inflict for such offences.

IX. The magistrates are authorized to hear and determine, without any reference to the *Courts of Circuit*, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters, and to inflict upon the offenders corporal punishment not exceeding thirty rattans, or commit them to prison for a term not longer than one month, according as they may think proper upon a consideration of the circumstances of the case.

Crimes which the magistrates are also authorized to try under the restrictions herein specified,

See Reg. II. 1834, and Act III 1844.

and the punishment which they are empowered to inflict for such crimes.

See Sec. v. Reg. VII. 1811.

X. Where the complaints specified in Sections VIII. and IX. shall appear to the magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant, by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section VIII.

Punishment to be inflicted on the complainants in the cases specified in Sections viii. and ix., whose complaints are proved to be litigious, vexatious, or groundless.

Superseded by the abolition of the Courts of Circuit.

XI. *The magistrates, upon receiving notice from the judges of the Courts of Circuit of the time by which they expect to arrive at their respective stations, shall cause public notice of it to be given by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the Court of Circuit, under the penalty of forfeiting their recognizances in the*

Notice that the magistrates are to give of the time by which the judges of circuit expect to arrive at their stations.

event of their not attending. The magistrates shall send a copy of this publication to the cauzy of each pergunnah, and cause a copy of it to be fixed up in some public place in the principal town or village in each pergunnah in their respective zillahs.

Magistrates to be careful to cause the witnesses on the part of persons committed or held to bail to take their trial, to be in attendance by the time of the arrival of the *Court of Circuit.*

XII. The magistrates, previous to the *arrival of the Courts of Circuit at their respective stations,* shall ascertain from the persons committed or held to bail to take their trial, the names and places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

See Sec. iii. Reg. IX. 1796.

Form of the calendar of the prisoners committed or held to bail to take their trial, to be submitted by the magistrates to the Courts of Circuit, upon their arrival at their respective stations.

XIII. *The magistrates are to have in readiness to deliver to the judges of the Courts of Circuit, upon their arrival at their respective places of residence, a calendar in the English and Persian languages, according to the following form :*

Rescinded by Sec. ii. Reg. VII. 1829.

[Form of calendar.]—*Rescinded.*

A similar calendar is to be submitted to the Courts of Circuit by the magistrates of the cities of Patna, Dacca, and Moorshedabad, and by the magistrates of the zillahs of the Twenty-four Pergunnahs, Moorshedabad, and Dacca Jelalpore, at every gaol delivery that may take place at their respective stations. The magistrates above mentioned are to observe carefully the rules contained in Section XII. at each gaol delivery, and the magistrates of the three cities are to cause the publication prescribed in Section XI. to be fixed up in due time, previous to the commencement of each session, in the office of the cutwal and of the darogah of each ward.

Documents which are to accompany the calendar.

XIV. The calendar is to be accompanied with the magistrate's proceedings on each charge, which shall contain the following vouchers, or as many of them as, from the nature and circumstances of the case, may be requisite and procurable, with such other papers and documents as the magistrate may have in his possession, or judge necessary to be obtained for the information of the *Court of Circuit.*

An attested copy of the complaint or charge.

An attested copy of the plaintiff's *oath* to the truth of the charge, in which is to be inserted, in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount, or computed value of it.

The prosecutor's recognizance to appear and prosecute the charge.

A copy of the warrant prescribed in Section V. for the apprehension of the offenders; or in case the charge should have been preferred in the first instance to any of the darogahs of the police jurisdictions or wards, a copy of such darogah's proceedings.

The name or names of the person or persons apprehended.

The examination of the person or persons apprehended.

The further examination of the prosecutor on *oath,* in cases where any such examination may have been taken.

A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance and those who are absent, with the cause of the non-attendance of the latter.

The recognizances of the prosecutor's witnesses.

The depositions of the witnesses who may have been in attendance.

The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance and such as are absent, and the cause of the non-attendance of the latter.

See Sec. vii. Reg. IV. 1797.

Rules respecting examinations taken before the magistrate.

XV. All examinations taken before the magistrate are to be written on separate papers, signed by the deponents, attested by the signature of the magistrate, and arranged according to their respective dates.

See Act XXIX. 1837.

Depositions to be taken and written in the language in which the deponent is most conversant.

Bengal papers to be accompanied by a Persian translate, which is to be compared with the original by the officers of the *Court of Circuit*.

XVI. All examinations and depositions are to be taken and written in the language in which the deponents are most conversant; and the magistrates shall accompany all papers written in the Bengal language with a translation in the Persian language, which translation is to be compared with the original by the officers of the *Court of Circuit*.

See Secs. xxii. and xxv. Reg. IX. 1807; Reg. VI. 1818, and Reg. VII. 1829.

The further calendars to be submitted by the magistrates to the *Courts of Circuit*, viz., First, calendar of the prisoners discharged for want of sufficient evidence for committing them for trial, with their reasons for having released them; Second, calendar of persons apprehended by them for crimes or misdemeanors on which they are empowered to decide.

XVII. The magistrates are to lay before the *Courts of Circuit, upon their arrival at their respective places of residence*, two separate calendars: The first, containing a list of all persons whom they may have apprehended and discharged for want of sufficient evidence to warrant the committing them to prison or holding them to bail, to take their trial for the crime or misdemeanor charged against them, and accompanied with their reasons for having released them, as prescribed in Section V. The second, comprising a list of the persons whom they have apprehended for crimes or misdemeanors cognizable by them, the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them. Similar calendars are to be submitted to the *Courts of Circuit* by the magistrates of the cities of Patna, Dacca, and Moorshedabad, and the zillahs of the Twenty-four Pergunnahs, Moorshedabad, and Dacca Jelalpore, at every gaol delivery that may take place at their respective stations. These calendars are to be accompanied with all the original papers and proceedings in each case; and if the *Court of Circuit* shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar released or punished upon insufficient grounds, they are to report the circumstances, with their opinion on the case, to the Nizamut Adawlut.

What papers and proceedings are to accompany these calendars.

Courts of Circuit to report to the Nizamut Adawlut every instance in which the prisoners in the first calendar have been discharged, or the prisoners in the second released or punished, upon insufficient grounds.

Modified by Sec. xxii. Reg. IX. 1807.

Magistrates to notify the commitment of proprietors of land to the collector of the zillah.

XVIII. If the magistrate shall commit any zemindar, independent talookdar, or other actual proprietor of land, to be tried before the *Court of Circuit*, he is to notify the commitment to the collector of the zillah, that, if necessary, he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

XIX. [Committal and trial of Europeans.]—*Rescinded by Sec. I. Reg. II. 1796.*

See Regs. XIV. 1816, II. 1834, and Act XVIII. 1844.

Magistrates how often to visit the gaol.

To redress all well-founded complaints of the prisoners against the officers who have the charge of the gaol.

XX. The magistrate is to visit the gaol at least once in every month, and redress all well-founded complaints of ill treatment which may be preferred to him by the prisoners against the gaoler, or any officers having charge of them. He is to be particularly attentive to the health and

To attend particularly to the health and cleanliness of the prisoners.

cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

Descriptions of prisoners ordered to be confined in separate apartments.

XXI. Separate apartments in the gaol are to be allotted for the following descriptions of prisoners:

Prisoners under sentence of death.

Prisoners sentenced to confinement by the *Court of Circuit* or the Nizamut Adawlut.

Prisoners committed to take their trial before the *Court of Circuit.*

Prisoners sentenced to confinement by the magistrate for petty crimes or misdemeanors cognizable by him.

Further descriptions of prisoners to be confined in separate apartments.

And as the crimes proved or alleged against the second or third descriptions of prisoners must be of different degrees of atrocity, the magistrates are required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent them having any communication with each other; and the rules prescribed in this section, for keeping apart the several descriptions of the former, are to be considered applicable also to the latter. The magistrates are further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities being practised in the gaols.

Female to be kept separate from male prisoners in all cases.

XXII. [Enforcement of pecuniary compensation.]—*Rescinded by Sec. VI. Reg. XIV.* 1797.

See Act XVI. 1850.

Charges, and the orders passed upon them by the magistrate, to be recorded in English and in the Persian or Bengal language.

XXIII. All complaints or charges, with the orders upon them, are to be recorded in the office of the magistrate in English, and in the Persian or Bengal language.

See Act XXIX. 1837.

XXIV. [Reward for apprehension of dacoits.]—*Rescinded by Sec. XIII. Reg. XVI* 1810.

Magistrates to pay to persons released, after a confinement of six months or upwards, a sum sufficient for a month's subsistence, if they stand in need of it; but it is in no case to exceed five rupees.

XXV. The magistrates are to pay to all persons who may be released from gaol, after an imprisonment of six months or upwards, calculating from the date of their sentence, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be paid to each individual is to be regulated by his situation in life, but it is in no case to exceed five rupees, and in every instance is to be confined as much within that amount as may be consistent with the purpose for which the allowance is granted.

See Sec. ii. Reg. III. 1812, and Act VII. 1846.

Magistrates to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the *Court of Circuit*, and for as many days as may be necessary for them to come from, and return to their respective homes.

XXVI. The magistrates are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas each, during their attendance on the *Court of Circuit;* and the same allowance for as many days as, in their opinion, may be sufficient for such prosecutors and witnesses to come from and return to their respective homes.

Magistrates to pay the customary diet money to prisoners from the time of their apprehension to the date of their discharge.

XXVII. The magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension to the date of their discharge.

Rescinded by Sec. ii. Reg. VII. 1829.

Magistrates to transmit the following monthly report, so as to arrive in Calcutta by the 20th of the ensuing month.

XXVIII. *The magistrates are to transmit to the register to the Nizamut Adawlut the undermentioned monthly report, drawn out according to the English months, and in the following form. The report for each month is to be despatched from the several stations, so as to arrive at Calcutta by the 20th of the ensuing month.*

[Form of Report.]—*Rescinded by Sec. II. Reg. VII.* 1829.

Superseded by the rescission of the preceding section.

Prisoners apprehended and not examined, to be inserted in the above report, in an additional column, under the head of "not examined."

Magistrates to endeavour to prevent the occurrence of the case herein provided for.

XXIX. *As it may sometimes happen, that just before the close of the month a greater number of persons charged with crimes may be brought before the magistrates than they are able to examine and proceed with, as prescribed, previous to the expiration of it, the magistrates in such cases (the occurrence of which, however, it is expected they will use their utmost exertions to prevent) are to insert the names of all persons in that predicament in the above report of persons apprehended, in an additional column, under the head of "not examined."*

Rescinded by Sec. ii. Reg. VII. 1829.

Magistrates to transmit the under-mentioned monthly reports so as to arrive in Calcutta by the 20th of the ensuing month.

XXX. *The magistrates are to transmit to the register to the Nizamut Adawlut the undermentioned monthly reports, drawn out according to the English months and in the following forms. The reports for each month are to be dispatched from the several stations, so as to arrive at Calcutta by the 20th of the ensuing month.*

[Forms of Reports.]—*Rescinded by Sec. II. Reg. VII.* 1829.

Magistrates to transmit two half-yearly reports.

[*The following report of prisoners confined under sentence, is to be transmitted to the Nizamut Adawlut by the magistrates of the zillahs, and the cities of Patna, Dacca, and Moorshedabad, twice in each year. The magistrates of the zillahs (excepting the magistrates of the Twenty-four Pergunnahs, Moorshedabad, and Dacca Jelalpore) are to forward the report within twenty days after the judges have finished the business of the circuit at their respective stations. The magistrates of the cities of Patna, Dacca, and Moorshedabad, and the zillahs of the Twenty-four Pergunnahs, Moorshedabad, and Dacca Jelalpore, are to forward the report within twenty days after the completion of the first gaol delivery that may take place at their respective stations, upon the return of the judges from the circuit of the zillahs.*]

[Form of Report.]—*Rescinded by Sec. II. Reg. VII.* 1829.

XXXI *to* XXXIII.—[Constitution and Jurisdiction of four Courts of Circuit.]—*Rescinded by Sec. V. Reg. I.* 1829.

See Sec. xi. Reg. II. 1801, Sec. iii. Reg. VII. 1831, and Act XXI. 1837.

Oath to be taken and subscribed by the judges of circuit.

XXXIV. The judges of the *Court of Circuit*, previous to entering upon the execution of the duties of their office, are to take and subscribe the following oath before the Governor-General in Council, or such person as he may commission to administer it.

"I, A.B., solemnly swear that I will truly and faithfully execute the duties of Judge of the *Court of Circuit for the division of* ———; that I will administer justice according to the Regulations that have been or may be enacted by the Governor-General in Council, to the best of my ability, knowledge, and judgment, without fear, favour, promise or hope of reward; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, or from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided in the *Court of Circuit* of which I am judge; nor will I

knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution, or from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending or have been decided in the said court; nor will I, directly or indirectly, derive any advantage or emolument from my station, excepting such as the orders of Government do or may authorize; So help me God."

Registers and assistants to the registers of the Provincial Courts of Appeal to be registers and assistants to the registers to the Courts of Circuit.

XXXV. [*The registers, and the assistants to the registers of the Provincial Courts of Appeal, shall be registers and assistants to the registers of the Courts of Circuit in the several divisions. Previous to entering upon the execution of the duties of their office, they shall take and subscribe the following oath before the Court of Circuit to which they may be respectively attached.*] Office abolished by Sec. xiv. Reg. II. 1821.

Oath to be taken and subscribed by them.

"I, A.B., register (or assistant to the register) to the *Court of Circuit for* the *division of* ———, solemnly swear, that I will truly and faithfully perform the duties of register (or assistant to the register) to this court, according to the best of my knowledge and ability, and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending or have been decided in the *Court of Circuit* of which I am register (or to the register of which I am assistant), nor will I, directly or indirectly, derive any advantage or emolument whatever from my office, excepting such as the orders of the Governor-General in Council do or may authorize: So help me God." See Sec. lxx. of this Reg.

XXXVI. [Who to be the cauzies and mufties.]—*Rescinded by Sec. V. Reg. I.* 1829, *and Sec. VII. Reg. III.* 1829.

Oath to be taken and subscribed by the cauzies and mufties upon their first appointment.

XXXVII. [*The cauzies and mufties of the Courts of Circuit, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following oath before the Court of Circuit to which they may be respectively attached:*] Rescinded by Sec. v. Reg. I. 1829, and Sec. vii. Reg. III. 1829.

"I, A.B., cauzy (or mufty) of the *Court of Circuit for the division of* ———, solemnly *swear*, that I will truly and faithfully perform the duties of cauzy (or mufty) of the court according to the best of my knowledge and ability; and that I will not receive, directly or indirectly, any present or nuzzer, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending or have been decided in the *Court of Circuit* of which I am cauzy (or mufty); nor will I, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize." See Sec. lxxi. of this Reg. and Sec. ii. Reg. XVIII. 1817.

XXXVIII. [Retrospective oath of the cauzies and mufties.]—*Rescinded by Sec. IV. Reg. XVIII.* 1817.

XXXIX. [Appointment of native officers to the Court of Circuit.] —*Superseded by the abolition of the Court.*

XL. *to* XLVI. [Number and order of gaol deliveries.]—*Rescinded by Sec. V. Reg. I.* 1829.

See Secs. ii. iv. and vii. Reg. IV. 1797, Reg. I. 1810, and VI. 1832.

Manner in which the trial of the prisoners is to be conducted.

XLVII. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession (which is always to be received with circumspection and tenderness) if he plead guilty, or if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the cauzy and mufty (who are to be present during the whole of the trial) are to write at the end of the record of the proceedings, the futwah or law as applicable to the circumstances of the case, and to attest it with their seals and signatures. The court shall attentively consider such futwah, and if it shall appear to them consonant to natural justice, and also conformable to the Mahomedan law, they are to pass sentence in the terms of the futwah (except in cases in which they are expressly directed not to pass sentence), and to issue their warrant to the magistrate for the execution of it, without further reference or delay. Provided, however, that in all cases where a prisoner may be condemned by such sentence to suffer death or imprisonment for life, the court shall transmit a copy of the sentence, and of all the papers and proceedings read or recorded during the trial, with translates in English, to the Nizamut Adawlut, and shall not execute such sentence, but shall wait the final sentence of that court.

See Sec. iv. Reg. IX. 1807, and Sec. iii. Reg. III. 1812.

Persons allowed to prosecute by vakeel in cases authorized by the Mahomedan law.

This rule not to prevent the court requiring, if necessary, the personal attendance of prosecutors, not being women of such a rank and situation in life as would render it improper to compel them to appear in a court of justice.

How the evidence of prosecutors or witnesses of the above description is to be taken.

XLVIII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a vakeel duly appointed, excepting in cases in which the Mahomedan law requires the prosecutor to appear in person at the trial of the prisoner. This rule, however, is not meant to prohibit the judges causing prosecutors to attend in person, in every case in which their vivâ voce evidence shall be deemed necessary, provided they be not Mahomedan or Hindoo women of a rank and situation in life which, according to the customs and prejudices of the country, would render it improper to compel them to appear in a court of justice. If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the judges shall not require the attendance of such women, but shall depute persons to take their evidence in the manner prescribed by the Mahomedan law.

See Sec. ii. Reg. I. 1803.

How the courts are to proceed in case the depositions of any witnesses cannot be obtained.

XLIX. If the attendance of any witness on the part of the prosecutor or the prisoner, whose evidence the law may not allow to be taken by commission, cannot be procured, or if any witness cannot be found, the judges may postpone the trial until the *next circuit*, provided there shall appear to them sufficient cause for so doing. If the attendance of such witness cannot then be procured, or if he shall not have been found, the judges may, in like manner, postpone the trial a second time. But if the judges and their law officers shall be of opinion that the evidence of any witness or witnesses who may be absent is not necessary, they shall complete the trial without the evidence of such witness or witnesses.

In cases of murder, the law officers to deliver their futwahs according to Yusuf and Mahomed.

L. On trials for murder, the law officers shall deliver their futwah or law opinions upon the case, according to the doctrines of Yusuf and Mahomed.

No criminal to suffer mutilation

Punishment to be inflicted in lieu of it.

LI. No criminal shall suffer the punishment of mutilation. If a prisoner shall be sentenced, in conformity to the futwah of the law officers, to lose two limbs, instead of being made to undergo such punishment, he shall be imprisoned and kept to hard labour for fourteen years; and if any prisoner shall be so sentenced to lose one limb, he shall, in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The judges are accordingly directed, whenever any criminal shall be sentenced to suffer mutilation, to commute such punishment for imprisonment and hard labour for the term above prescribed, and to issue their warrant to the magistrates for that purpose.

LII. [Claims of kissaas or deyat by heirs of the slain.]—*Rescinded by Sec. II. Reg. IV.* 1797.

How the courts are to proceed if they disapprove of any part of the proceedings or the futwah of the law officers

LIII. Whenever the judges shall disapprove of any part of the proceedings held on a trial, or of the futwah delivered by the law officers, they are not to pass sentence on such cases, but shall complete the trial and transmit to the Nizamut Adawlut a copy of all the proceedings and the futwah of the law officers, with a separate letter stating the grounds of their disapproval, and wait the sentence of that court. See Reg XIV 1810

Judges to refer all questions of law to the law officers, except on points specifically provided for by the Regulations, and to regulate their proceedings by the opinion of those officers.

Courts to be guided by such opinions, although they disapprove of them.

How to proceed in such cases.

LIV. The judges of the *Courts of Circuit* are to refer to the cauzy and mufty *of their respective courts* all questions on points of law that may arise during the course of any trial, and respecting which no specific rules shall have been enacted by the Governor-General in Council, and shall regulate their proceedings by the opinions which may be delivered by those officers. If such opinions shall appear to the judges contrary to the principles of natural justice or to the Mahomedan law, they are nevertheless to be guided by them, and after completing the trial, and obtaining the futwah of the law officers upon the case, they shall, without passing sentence upon it, transmit the proceedings and futwah to the Nizamut Adawlut, with a separate letter stating their objections to such opinions or futwah, and wait the sentence of that court. See Sec v Reg XVII. 1817

LV. [Certain exceptions of the Mahomedan law not to bar condemnation.]—*Rescinded by Sec. II. Reg. IV.* 1797.

Religious persuasions of witnesses not to invalidate their testimony.

How the courts are to proceed where the law declares witnesses incompetent, because they are not Mahomedans

LVI. The religious persuasions of witnesses shall not be considered as a bar to the conviction or condemnation of a prisoner; but in cases in which the evidence given on a trial would be deemed incompetent by the Mahomedan law, solely on the ground of the persons giving such evidence not professing the Mahomedan religion, the law officers of the *Courts of Circuit* are to be required to declare what would have been their futwah, supposing such witnesses had been Mahomedans. The *Courts of Circuit* are not to pass sentence on such cases, but shall transmit the record of the trial, with the futwah directed to be required from the law officers, to the Nizamut Adawlut, which court, provided they approve of the proceedings held on the trial, shall pass such sentence as they would have passed, had the witnesses, whose testimony may be so deemed incompetent, been of the Mahomedan persuasion. See Reg IV. 1822.

LVII. In all cases in which the *Courts of Circuit* are directed not to pass sentence, the judges are to accompany the record of the trial ordered to be transmitted to the Nizamut Adawlut, with a letter containing their opinion on the merits of the case.

Courts of Circuit to state their opinion on the merits of all cases on which they are directed not to pass sentence.

See Sec xiii. Reg IV 1797, Sec. ii Reg X. 1799, and Secs xvii. and xviii. Reg II. 1801.

LVIII. The *Courts of Circuit* are to transmit to the Nizamut Adawlut copies and translates in English, of the proceedings on the trial of all prisoners whom they may sentence to suffer death, or who may, in their opinion, be deserving of capital punishment, within ten days after the trial is completed, or as much earlier as from the state of business may be practicable.

Courts to transmit all trials in capital cases, with translates, to the Nizamut Adawlut, as early as possible, but always within ten days.

LIX. [Punishment of contempt of court.]—*Rescinded by Cl.* 1, *Sec. V. Reg. XII.* 1825.

LX. [Incapacity of or misconduct of law officers to be reported.]—*Superseded by Sec. VII. Reg. III.* 1829.

LXI. [Futwa of one law officer sufficient.]—*Superseded by Sec. VII. Reg. III.* 1829.

LXII. [Judges to visit the gaols.]—*Repealed by Sec. I. Act XVIII.* 1844.

LXIII. The *Courts of Circuit* are to report to the Nizamut Adawlut every instance in which it shall appear to them that the magistrates have been guilty of neglect or misconduct in the discharge of their duty. The courts are also to acquaint the Nizamut Adawlut whenever the magistrates omit or refuse to obey their orders.

Neglect or misconduct of the magistrate to be reported by the courts to the Nizamut Adawlut

LXIV. [Differences of opinion among the judges.]—*Superseded by the abolition of the Courts of Circuit.*

LXV. *The judges* are to submit to the Nizamut Adawlut such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

Courts to submit to the Nizamut Adawlut such propositions as may appear to them expedient for the better regulation of trials, or the administration of justice or the police.

LXVI. The Nizamut Adawlut, or superior Criminal Court, shall continue to be held at Calcutta.*

Nizamut Adawlut to be held at Calcutta.

LXVII. [Constitution of the court.]—*Rescinded by Sec. II. Reg. II.* 1801.—*See Reg. XII.* 1811.

LXVIII. The court shall meet once in every week, or as often as the state of the business may require, and a regular diary shall be kept of their proceedings.

Court to meet once in every week, or as often as may be necessary.

LXIX. The court shall have a register, who shall be styled register to the Nizamut Adawlut.

Register to be appointed to the court.

* A Nizamut Adawlut was established for the Western Provinces by Reg. VI. 1831.

Oath to be taken by the register.

LXX. The register, previous to entering upon the execution of the duties of his office, shall take and subscribe before the Nizamut Adawlut, an oath similar to that prescribed for the registers to the Courts of Circuit.

Oath to be taken by the head cauzy and two mufties.

LXXI. The head cauzy and the two mufties, previous to entering upon the duties of their offices, [*and on the 1st January and 1st July in each year*,] shall take and subscribe *oaths* similar to those prescribed for the law officers of the *Courts of Circuit.*

Rescinded by Sec. iv. Reg. XVIII. 1817.

Court to have cognizance of all matters relating to the administration of criminal justice and the police.

LXXII. The court is empowered and directed to take cognizance of all matters relating to the administration of justice in criminal cases and the police of the country, and to submit to the Governor-General and Council such regulations regarding them as it may deem advisable.

Court to exercise the same powers as were vested in it when it was superintended by the late Naib Nazim.

LXXIII. The court shall exercise all the powers that were vested in it whilst it was stationed at Moorshedabad, and superintended by the late Naib Nazim, the Nabob Mahomed Reza Khan.

Sentences of the court to be conformable to the Mahomedan law, excepting where a deviation from it may be expressly authorized by the Governor-General in Council.

LXXIV. The sentences of the court shall be regulated by the Mahomedan law, excepting in cases in which a deviation from it may be expressly directed by any Regulation passed by the Governor-General in Council.

In cases of murder, the law officers to deliver their opinions according to Yusuf and Mahomed

Their distinctions as to the mode of committing murder not to be attended to, except as evidence of the intent.

The intention of the criminal to be the rule for determining the punishment.

LXXV. In trials for murder, the head cauzy and the mufties shall deliver their futwas or opinions upon the case according to the doctrines of Yusuf and Mahomed. The distinctions, however, made by those imaums and by Hunneefah, as to the mode of committing murder, shall not be adhered to by the Nizamut Adawlut, but the intention of the criminal, either evidently or fairly inferrible from the nature and circumstances of the case, and not the manner or instrument of perpetration (except as evidence of the intent), shall constitute the rule for determining the punishment.

See Sec v. Reg.VIII.1799.

LXXVI. [Proceedings in cases of kissaas and deyat.]—*Rescinded by Sec. II. Reg. IV.* 1797.

Law officers to assemble at the office of the register three times in every week, or oftener if necessary.

Register to lay before them the Persian copies of all trials referred by the *Court of Circuit.*

Law officers to give their opinions in writing on such trials, before they leave the office of the register.

Register to submit the proceedings on such trials, and the opinions of the law officers, to the Nizamut Adawlut, which court is to pass the final sentence.

LXXVII. The head cauzy and the mufties shall assemble at the office of the register three times in every week, or oftener if necessary, and the register shall lay before them Persian copies of the proceedings in the trials that may be referred by the *Courts of Circuit* for the final sentence of the Nizamut Adawlut. After duly considering the proceedings, and previous to leaving the office of the register, they shall state in writing, at the foot of the record of each trial, whether the futwa of the law officers is consistent with the evidence and conformable to the Mahomedan law. If it be not, they shall state what futwa ought in their opinion to have been delivered, and subscribe their names, and affix their seals to their respective opinions. The register shall submit the proceedings, in the cases so revised by the head cauzy and the mufties, to the Nizamut Adawlut at their next meeting, when the court, after perusing the proceedings of the *Court of Circuit*, the futwa of the law officers of that court, and the futwa of

See Sec. iv. Reg. XVII. 1817, and Sec. vii. Reg. IV. 1822.

Modified by Sec. vi. Reg. VI. 1832.

See Sec vii. Reg.VIII.1808

the head cauzy and the mufties of the Nizamut Adawlut, shall pass the final sentence.

LXXVIII. The registor, within three days after the passing of the final sentence, or sooner if practicable, shall transmit a copy of it, under the seal of the Nizamut Adawlut and attested with his official signature, to the judges *of the Court of Circuit*, who are immediately to issue a warrant to the proper magistrate to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed without delay, and return the warrant to the *Court of Circuit*, with an endorsement attested with his official seal and signature, certifying the manner in which the sentence has been executed. All warrants so returned are to remain with the *Court of Circuit;* excepting warrants for the infliction of capital punishment, which are to be forwarded by the judges to the Nizamut Adawlut.

Register to transmit the copy of the final sentence to the *Court of Circuit*, within three days after it is passed, or as much earlier as may be practicable.

Magistrate to cause the sentence to be executed immediately upon the receipt of the warrant, and to return the warrant to the *Court of Circuit* with endorsement.

What returned warrants are to be sent to the Nizamut Adawlut.

LXXIX. [Nizamut Adawlut may recommend convict to mercy:]—*Rescinded by Sec. II. Reg. XIV.* 1810.

A.D. 1793. REGULATION X.

Reg. X. 1793.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor-General in Council on the* 15*th July*, 1791, *and subsequent Dates, for the Establishment and Guidance of the Court of Wards, relative to disqualified Landholders and their Estates:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

I. BY the rules prescribed in Regulation VIII. 1793, for the decennial settlement of Bengal, Behar, and the Company's districts in Orissa, females (with the exception of those whom the Governor-General in Council may deem competent to the management of their own estates), minors, idiots, lunatics, contumacious persons, and persons of notorious profligacy of character, who, not being partners with others of a different description, are or may be proprietors of entire estates paying revenue immediately to Government, are declared incapable of having any concern in the management of their lands; and it is to be understood, as the evident meaning and intention of part of these exceptions, that they include all proprietors of entire estates paying revenue immediately to Government, who are, or may be, rendered incapable of managing their lands, by natural defects or infirmities of whatever nature. The lands of persons coming within the above descriptions are to be managed, for the benefit of the proprietors, by persons appointed to the trust by Government, in the manner hereafter specified. The Governor-General in Council, adverting also to the many instances which have occurred, of minors, females, and other proprietors of land, of the descriptions above mentioned, being reduced to ruin by the misconduct of the agents to whom the management of their concerns has

been committed, as well as to the frequent instances of minors being brought up in ignorance and dissipation by the persons entrusted with the care and education of them, with a view to engross the management of their affairs when they might come of age, determined, on the 20th August, 1790, to constitute the Board of Revenue a Court of Wards, with powers to superintend the conduct, and inspect the accounts of the managers of estates of persons disqualified for the management of their own lands, by the rules prescribed for the decennial settlement, and with instructions to see that minors received an education suitable to their rank and circumstances in life, and such as might qualify them for the future management of their own concerns. For the guidance of the Board of Revenue in their capacity of a Court of Wards, as well as of the officers acting under them in this capacity, certain rules were enacted on the 15th July, 1791. Those rules, with the subsequent amendments and further modifications, are now re-enacted.

To whom the superintendence of the Court of Wards extends.

II. The superintendence of the Court of Wards extends to the persons and estates of all proprietors disqualified, under the rules prescribed for the decennial settlement, for the management of their own lands; viz. all proprietors of entire estates paying revenue immediately to Government, who are, or may be, females not deemed by the Governor-General in Council competent to the management of their own estates; minors, idiots, lunatics, or others, rendered incapable of managing their estates by natural defects or infirmities of whatever nature; [*as well as all proprietors of such estates, who are or may be deemed disqualified, on account of contumacy or notorious profligacy of character*]. To prevent misconstruction, it is declared that, by the terms "all proprietors of entire estates paying revenue immediately to Government," are meant, every such disqualified person who may be the sole proprietor of an estate, and any two or more persons, being proprietors of the whole of an estate, both or all of whom may be so disqualified.

Modified by Sec. iii. Reg L 1793.

Rescinded by Sec. ii. Reg VII. 1796.

To whom the superintendence of this court is not meant to extend.

III. The superintendence of this court is not to extend to proprietors of estates not paying revenue immediately to Government, nor to joint proprietors of estates paying revenue immediately to Government, both or all of whom may not be of the descriptions specified in Section II. The disqualifications in the rules prescribed for the decennial settlement do not include the former; and the latter are required thereby to elect a joint manager, in the choice of whom those who are themselves unable to vote are allowed a voice through their guardians. To such proprietors, managers, and guardians, this Regulation is in no respect to be held applicable.

See Sec. ii. Reg III. 1796

Collectors to ascertain and report what landholders are disqualified.

Rules for ascertaining the ground of disqualification, and for enabling certain disqualified proprietors to recover their estates when the ground of their disqualification may be removed.

IV. The collectors of the revenue are to ascertain and report to the Board of Revenue, both now and hereafter, what proprietors in their respective zillahs may come within the descriptions of disqualified landholders specified in Section II.; and the following rules are prescribed for ascertaining the existence of the stated ground of disqualification in the first instance, and also for enabling proprietors of certain descriptions, who may have been declared disqualified, to recover the management of their estates when the ground of their disqualification may be removed.

Modified by Sec. iii. Reg. L. 1793.

Females.

V. *First.* If a proprietor of land shall be reported disqualified solely from being a female, the Board of Revenue, in their capacity of a Court of Wards, shall immediately proceed to take the estate under their care, reporting the circumstance to the Governor-General in Council, who reserves to himself the power of declaring any female proprietor, whom he may deem competent to the management of her own estate, exempt from the operation of this Regulation.

Minors.

Second. If a collector shall report a proprietor of land to be disqualified on the ground of minority, the Board of Revenue, in their capacity of a Court of Wards, provided they shall see no reason to doubt the nonage of the proprietor, are to take the estate under their care, and report the circumstances to the Governor-General in Council. If a collector shall report any proprietor to be a minor, and the proprietor, or any person on his behalf, shall deny that he is under age, such proprietor or person shall be at liberty to represent the circumstances to the Court of Dewanny Adawlut of the zillah wherein the estate may be situated, the judge of which shall forward the representation to the Sudder Dewanny Adawlut, which court shall issue a precept, under the seal of the court and attested by the register, to the judge of the zillah, *or to the Provincial Court of Appeal of the division*, to call the proprietor before the court, and ascertain his age by the evidence, on *oath*, of not less than three credible persons well acquainted with him, and also by such other inquiries as may appear to the court calculated to ascertain the truth, and certify its proceedings, including any representations or evidence that the proprietor, or any person on his behalf, may have to adduce, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall determine whether such proprietor be a minor or not. The decision of the Sudder Dewanny Adawlut shall be final, and the court shall certify a copy of its decision to the Governor-General in Council, who will order the estate to be put under the charge of the Court of Wards or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be a minor or otherwise.

Lunatics, or others disqualified by natural defects or infirmities.

Third. If a proprietor of land shall be deemed disqualified on the ground of lunacy, idiotism, or other disqualifying natural defect or infirmity, the Board of Revenue are to order the collector to represent the circumstances, through the vakeel of Government, to the Court of Dewanny Adawlut of the zillah, the judge of which shall transmit a copy of the representation to the Sudder Dewanny Adawlut. This Court shall issue a precept to the *Court of Appeal of the division or to the* judge of the zillah within the jurisdiction of which the proprietor may reside, to bring him before the court, to ascertain his actual state by ocular proof; and the court shall further take the declaration upon *oath* of no less than three credible persons acquainted with the party, setting forth their opinion of his condition, with the grounds of it. The court is to transmit all its proceedings, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall determine finally whether the stated ground of disqualification be well founded or not, and certify a copy of its decision to the Governor-General in Council, who will order the Court of Wards to take the estate of the proprietor under their care or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be disqualified or otherwise.

Fourth. [Contumacy, or notorious profligacy of character, a ground of disqualification.]—*Rescinded by Sec. II. Reg. VII.* 1796.

Measures to be taken occasionally to ascertain continuance of disqualification.

Fifth. Persons not born in a state of idiotism, but who may have been declared by the Sudder Dewanny Adawlut disqualified as lunatics, are to be produced annually before the judge of the Dewanny Adawlut in the jurisdiction of which they may reside, or oftener if he shall think fit, in order to ascertain whether they be restored to sanity or otherwise; and if, in any instance, the ground of disqualification shall appear to the judge to be completely removed, he shall immediately report the same, with a full relation of the circumstances of the case, to the Sudder Dewanny Adawlut, which court shall finally determine whether the ground of disqualification be removed or not. The court is to communicate its decision to the Governor-General in Council, who will order the Court of Wards to deliver over charge of the estate to the proprietor or not, according as the ground of his disqualification may be adjudged by the court removed or otherwise.

Disqualified proprietors specified in Clauses Second, Third, and *Fourth*, who may deem the ground of their disqualification removed, how to proceed to recover the management of their estates.

Sixth. Any person who may have been adjudged disqualified, on any of the grounds specified in Clause Second, Third, [*or Fourth*,] and who may deem the ground of his disqualification removed, shall be at liberty to represent the circumstances to the judge of the Dewanny Adawlut of the zillah, who shall forward the representation to the Sudder Dewanny Adawlut. This court shall issue a precept to the judge of the Zillah Court, *or to the Provincial Court of Appeal of the division*, to inquire into the case, and to receive such evidence as the disqualified proprietor may have to offer in support of his representation. The court is to report the result of its inquiry, with its opinion thereon, to the Sudder Dewanny Adawlut, which court shall determine finally whether the ground of disqualification be or be not removed, and report its decision to the Governor-General in Council, who will order the Court of Wards to restore the proprietor to the management of his lands or not, according as the ground of disqualification may be adjudged by the Sudder Dewanny Adawlut to be removed or otherwise.

Trusts of manager and guardian to be considered altogether distinct, though they may in some instances be vested in the same person.

VI. The trusts of manager for disqualified landholders and guardian to them, are to be considered altogether distinct, but, as hereafter specified, they may in some instances be vested in the same person; and the rules contained in the following sections, relative to managers and guardians respectively, are founded on this distinction.

What is to be entrusted to the manager and guardian respectively, when different persons.

VII. Where the trusts of manager and guardian are vested in different persons, the former is to have the care of the estates real and personal; the latter, the care of the person, maintenance, and if a minor, the education of the ward.

VIII. [Selection of managers.]—*Rescinded by Sec. XXVI. Reg. VII.* 1799.

Security to be given and obligation to be executed by managers.

IX. The manager, previous to the receipt of his commission, is to give security for his appearance during the continuance of it, and is to execute the following obligation.

"I, A. B., having voluntarily taken on myself the management of the estate of C., disqualified proprietor of D., do hereby solemnly promise and engage to manage the said estate diligently and faithfully for the said proprietor; to use every means in my power to improve the same for his or her benefit; and to act, in every respect, to the best of my judgment,

for his or her interest, in like manner as if the estate were my own and I were acting for myself. I also promise and engage to render a true and just account of whatsoever may be received by me from or on account of the estate committed to my management; and in the event of it being proved that I have been guilty of any embezzlement, or of any abuse of trust injurious to the property of the above-mentioned proprietor, I do hereby bind myself, my heirs and successors, to make good treble the amount of the embezzlement or injury so proved against me. I further promise and engage to adhere strictly to such Regulations as may be passed for the guidance of managers by the Governor-General in Council, and to such orders as I may receive from the Court of Wards, and to derive no personal advantage whatever, directly or indirectly, from the trust committed to me, beyond the allowance by them granted to me."

Allowance to be fixed for managers, and penalty for any embezzlement proved against them.

X. An allowance to the manager, proportionate to the extent of his trust and adequate to a full compensation for his trouble, is to be proposed by the collectors and fixed by the Court of Wards: and if it be proved, to the satisfaction of the Court of Wards, that any manager shall have appropriated to his own use, directly or indirectly, any sum of money, or other property, above his fixed allowance, he is declared liable for such embezzlement to the fine specified in his obligation, besides dismission from his trust; and the fine is to be appropriated to the benefit of the estate under his charge.

See Act XIII. 1850.

Establishment of officers to act under the manager to be also fixed.

By whom to be nominated and appointed.

See Sec. ii. Reg. L. 1793.

XI. An establishment of necessary officers, to act under the manager, is also to be proposed by the collectors and fixed by the Court of Wards. The persons to be employed on this establishment are to be nominated by the manager himself, but approved by the collector, who may object to such as may appear to him disqualified by character or otherwise, and require the manager to appoint others. These orders are to be considered applicable to the manager's sudder establishment, and also to his mofussil establishment, in estates of considerable extent, where mofussil officers may be necessary. Any officer, sudder or mofussil, who may be proved, to the satisfaction of the Court of Wards, to have appropriated to his own use, directly or indirectly, any sum of money, or other property, beyond his fixed allowance, is to be deemed guilty of embezzlement, and to be liable to the same fine as the manager in similar cases, besides dismission from his office.

Penalty for embezzlement proved against such officers.

Rules for the guidance of the collectors and managers, regarding the payment of the public assessment and general appropriation of the managers' receipts.

XII. *First.* By the rules for the decennial settlement, the assessment of lands, the property of disqualified proprietors, is to be fixed in like manner as that of other lands; and the following orders have been passed for the guidance of the managers and collectors, regarding the payment of this assessment, as well as respecting the general appropriation of the receipts of the managers from the lands under their charge.

Provision for the support of the proprietors and their families.

Second. An allowance of ten per cent. on the public revenue assessed on the lands of disqualified proprietors, or of ten per cent. on the actual revenue paid to Government, in the event of the whole of the assessment not being realized, is to be fixed for the support of the proprietors, and such persons of their families as may be entitled to receive a provision

How to be paid

What payments to be made to the collector.

from them, and the appointed manager of such lands shall be authorized to pay this allowance monthly, in proportion to his actual monthly payments of revenue to the collector, and no further. Instead of paying the whole of his receipts to the collector, he is to pay the monthly kists of Government's revenue only to the collector, or such part thereof as he may be able to discharge from his collections, after defraying the charges of his approved establishment and the allowance of the proprietors; but he is to deliver a monthly account-current of his receipts and disbursements to the collector, who is to audit the disbursements therein specified, and see that the receipts, after defraying the necessary charges and providing the authorized allowance of the proprietor, have been fairly appropriated to the payment of the revenue due to Government. As the lands of disqualified proprietors are not held answerable for the payment of the revenue assessed thereon, in the event of the neat collections of any year proving inadequate to the payment of the fixed assessment, in addition to the allowance of the proprietor, and of there being a surplus collection in any future year, the collector shall take care that such surplus is appropriated to the discharge of the arrear due to Government, and the proportion of the proprietor's allowance which must also, according to the rule laid down, be at the same time in arrear; or if no such balance be outstanding, he shall see the surplus expended by the manager for the improvement of the lands, or otherwise for the benefit of the estate under his charge.

Monthly account-current to be delivered to and audited by the collector.

Collector to see the manager's neat receipts fairly appropriated to the payment of the public revenue.

Deficiencies in revenue of any year how to be made good, and surplus receipts of any year how to be appropriated

Discretionary power vested in collectors, to reduce or increase, in certain cases, the general allowance fixed for the support of proprietors and their families.

XIII. By the foregoing rules, ten per cent. on the revenue assessed or realized is fixed as the general allowance for the support of disqualified proprietors, and such persons of their families as may be entitled to receive a provision from them; but as, in some instances, this allowance may be more than adequate to the expense of suitably maintaining and educating minors, or maintaining other disqualified proprietors, as well as of making a provision for their relations entitled thereto; or, on the other hand, may not be sufficient for these purposes, in some instances where there may be other funds arising from lakheraj lands, or other resources independent of the malguzarry lands, which might be appropriated thereto, the collectors are vested with a discretionary power to reduce the ten per cent. allowance in the former case, and to increase it in the latter, as on a consideration of the rank and circumstances of the parties and the amount of their allowances and other income, they may think proper. They are, however, to report any instances of the exercise of this power in their monthly communications to the Court of Wards, and previous to authorizing any increase of the fixed allowance, are to ascertain with accuracy, that there are lakheraj lands, or other resources independent of the malguzarry lands, fully adequate to make good the same, without which no excess is to be admitted, unless the Governor-General in Council should think proper to grant a dispensation from the general rule, in any particular case that may appear to require it. In the event of any reduction of the allowance fixed for the support of disqualified proprietors, the difference is to be applied by the manager to the benefit of the estate under his charge, to which purpose he is also to apply the income arising from resources independent of the malguzarry lands, which the collector, under the discretion above vested in him, may judge unnecessary for the

Restrictions on the exercise of this power.

Manager to appropriate the savings arising from such reduction of allowance to the benefit of the estate, as well as any surplus income arising from resources independent of the malguzarry lands not

education or maintenance of the proprietors, and the necessary provision of their relations entitled thereto.

otherwise appropriated by the collector.

XIV. Where a distinct guardian may be appointed, as hereafter specified, the manager is to pay to him the amount of the allowance fixed for the maintenance or education of the proprietors, and of the provision for persons of their families entitled thereto, as well as the amount of any resources independent of the produce of the malguzarry lands, which the collectors, under the discretion vested in them by the foregoing article, may think it proper to allot for these purposes.

Payments to be made by the manager to the guardian when distinct.

XV. Agreeably to the distinction laid down in Section VII., the manager is to have the entire care of the estate, real and personal. He will, therefore, have the exclusive charge of all lands, malguzarry or lakheraj, as well as all houses, tenements, goods, money, and moveables of whatever nature, belonging to the proprietor whose estate may be committed to his charge, excepting only the house wherein such proprietor may reside, the moveables wanted for his or her use, and the money allowed for the support of the proprietor, and his or her family entitled to a provision, which are to be left to the care of the guardian, where distinct guardians may be appointed. Both managers and guardians, on their receiving charge of any property, are to sign an exact inventory of the same, which is to be deposited in the treasury of the collectorship.

Specification of property to be entrusted to the manager and guardian respectively.

Inventory to be signed by both.

XVI. The manager, agreeably to the terms of his obligation, is to manage the estate committed to him diligently and faithfully, for the benefit of the proprietor, and in every respect to act to the best of his judgment for the proprietor's interest, in like manner as if the estate were his own. In instances, however, where he may act for a proprietor under age, not otherwise disqualified, he is not to grant any lease extending beyond the life of the proprietor, or contrary to Regulation XLIV. 1793, or to dispose of any part of the permanent property committed to his custody, without the sanction of the Court of Wards.

Manager to discharge his trust diligently and faithfully, and act in every respect for the proprietor's interest.

Restrictions on his grant and disposal of the permanent property committed to him.

XVII. In addition to the monthly account current required in Clause Second, Section XII., the manager, at the expiration of every year, is to deliver to the collector an annual account current of his receipts and disbursements, upon oath, with vouchers for the latter (unless the Court of Wards shall be satisfied that it will be for the benefit of their general trust to admit the manager to deliver in such accounts under a solemn declaration of their being true and faithful accounts; in which case they are empowered to receive the accounts under such declaration instead of an oath), and the collector is to audit the disbursements, and take care that the whole of the surplus receipts be duly appropriated, in the manner specified in Clause Second, Section XII.

Manager to deliver an annual account current to the collector with vouchers upon oath.

Exception to the rule.

Collector to audit disbursements and see receipts duly appropriated.

XVIII. If the collector should think it unnecessary or unadvisable to appropriate such surplus receipts to the improvement of the lands already under the manager's charge, he shall cause the same to be applied by the manager to the purchase of other landed property, or to interest loans on mortgages, or to the purchase of Government paper securities, as circum-

Surplus receipts, when not required for the improvement of the lands, how to be appropriated.

Title-deeds, mortgage-deeds, and Government paper securities, now or hereafter belonging to the estate, how to be disposed of.

stances may render preferable; in which cases he shall transmit the title-deeds and mortgage-deeds of the land purchases or mortgages to the Court of Wards, to be deposited in the general treasury; but as interest will occasionally become payable on the Government paper securities, he shall deposit them in the public treasury under his charge, giving in all cases a receipt to the manager, as well for the title and mortgage deeds as the paper securities. The Court of Wards are also to obtain the sub-treasurer's receipt for the two former when deposited in the general treasury, and are to transmit an attested copy thereof to the collector, to be delivered by him to the manager. The manager shall also deliver any existing title or mortgage deeds or Government securities belonging to the estate under his charge to the collector, who shall, in like manner, return a receipt for the same, and transmit them to the Court of Wards, or deposit them in his public treasury as above directed. Any interest becoming payable on Government securities is to be paid to the manager, to be appropriated by him, in common with other resources, independent of the produce of the malguzarry lands, as before mentioned.

Interest becoming payable on Government paper, to be received and appropriated by the manager.

Any just debts due from the estates of disqualified landholders how to be satisfied.

XIX. Any just debts now outstanding against, or hereafter adjudged against the estates of disqualified landholders, must necessarily be satisfied (if required so to be by the creditors), as far as may be consistent with the rights of Government, to whom the produce of the malguzarry lands is mortgaged, in the first instance, for the payment of the public revenue assessed thereon. The circumstances of all such debts, however, are to be immediately reported to the collector, and by him without delay to the Court of Wards, with his sentiments on the best mode of satisfying the same, for their instructions, previous to any payment being made by the manager in discharge of them. In the event of any debts being compounded for a less sum than the full amount, the estate is to be debited by the manager for the actual payment only.

In cases of debts being compounded, the estate to be debited for the actual payment only.

Province of guardians.

XX. Agreeably to Section VII., it will be the province of guardians appointed for disqualified landholders to take care of the person, maintenance, and if a minor, the education of the wards.

Rules to be observed in the choice of guardians.

XXI. The rules contained in [*Section VIII.*,] for the election of managers, are to be applied also to the choice of guardians: with these differences, that the guardianship shall in no instance be entrusted to the legal heir, or other person interested in outliving the ward, and that female minors shall have guardians of their own sex. Further, under these restrictions, landholders whose heirs are disqualified may appoint guardians to such heirs by will in writing; and such guardians (provided they be duly qualified), if willing to accept the trust and execute the obligation hereafter specified, shall be preferred. Such testamentary appointments, however, shall in all instances be reported, with the sentiments of the collector, for the confirmation of the Court of Wards, and shall not be deemed valid till confirmed by them.

Rescinded; see Sec. xxvi. Reg. VII. 1799.

What landholders will require guardians.

XXII. Landholders disqualified on account of minority, idiotism, lunacy, or other natural defect or infirmity, rendering them incapable of attending to the care of their own persons and maintenance, will alone require

guardians. Female, as well as male proprietors, not so disqualified, may themselves receive and disburse the allowance fixed for their maintenance.

Compensation to guardians, when necessary, how to be provided.

XXIII. For persons of the descriptions above mentioned, it is expected that some friend of the party will gratuitously discharge the trust of guardian, appropriating the fixed allowance to the maintenance, and if a minor, to the education also of the ward. Should it, however, in any instance, be found necessary to make a pecuniary compensation to a person to act as guardian, such compensation, after being approved by the Court of Wards, is to be provided from the allowance fixed for the maintenance of the ward.

Security to be given and obligation to be executed by guardians.

XXIV. The guardian, previous to the receipt of his commission, is to give security for his appearance during the continuance of it, and is to execute the following obligation:

"I, A. B., having voluntarily taken on myself the guardianship of C., disqualified proprietor of D., do hereby solemnly promise and engage to execute the trust committed to me zealously and faithfully, to the best of my judgment, and according to the regulations which have been or may be prescribed for the guidance of guardians by the Governor-General in Council. I will conscientiously appropriate the allowance fixed for the maintenance, and (if the ward be a minor) the education of my ward, to his (or her) benefit, and will derive no advantage therefrom myself, directly or indirectly, beyond the compensation granted me for my superintendence. I also promise and engage to render a true and just account of whatsoever may be received by me on account of my ward above mentioned; and in the event of it being proved that I have been guilty of any embezzlement, or of any breach of trust injurious to his (or her) property, I hereby bind myself, my heirs and successors, to make good treble the amount of the embezzlement or injury so proved against me.

Establishment of servants to act under guardians, by whom to be proposed and fixed.

Rules and restrictions in Sec. xi. applicable to such establishments.

Expenses to be defrayed from the proprietor's allowance.

XXV. An establishment of necessary servants to act under the guardian, is to be proposed by the guardian to the collector, and fixed by the Court of Wards, and the several rules and restrictions in Section XI., regarding the establishments of managers, are to be considered equally applicable to the establishments of guardians. The expense of the latter is to be defrayed from the allowance fixed for the support of the proprietors.

Monthly and annual accounts to be delivered by the guardian to the collector.

Collector to audit the disbursements, to see that the receipts have been duly appropriated, and cause any surplus, not required for the expenses of the ensuing year, to be repaid to the manager.

Exception to the rule.

XXVI. The guardian is to deliver a monthly account current of his receipts and disbursements to the collector, who shall audit the disbursements therein specified, and see that the receipts have been fairly and duly appropriated. The guardian is also to deliver an annual account current upon oath (unless the Court of Wards shall be satisfied that it will be for the benefit of their general trust to admit the guardian to deliver in such accounts under a solemn declaration of their being true and faithful accounts, in which case they are empowered to receive the accounts under such declaration instead of an oath), with vouchers, to be in like manner audited by the collector; and in the event of any money remaining in his hands which the collector shall think unnecessary for the guardian's expenses in the ensuing year, he shall cause the same to be repaid to the manager, to be applied by him to the benefit of the estate under his charge.

Superintendence of the female relations of male minors limited to the end of the fifth year.

Guardians to procure proper teachers for them on their attaining the age of tuition.

XXVII. In cases of minority, where the minor may be a male, the superintendence of his female relations is not to be allowed after the expiration of the fifth year; and on his attaining the age of tuition, it must be the first care of the guardian to procure proper teachers to give him an education suitable to his situation in life.

Minority limited to the end of the *fifteenth* year.

XXVIII. Minority, with respect to both Hindoos and Mahomedans, is limited to the expiration of the [*fifteenth*] year.

Substitute "eighteen;" see Sec. ii. Reg. XXVI. 1793.

Guardians of female minors, also, to take care that their wards receive a suitable education.

XXIX. The guardians of female minors, who, agreeably to Section XXI., are to be of the same sex, are also to take care that their wards, when arrived at the age of tuition, receive an education suitable to their condition.

Cases in which the trusts of guardian and manager may be united in persons to whom the inheritance cannot descend.

Rule to be observed in such cases.

XXX. The trusts of guardian and manager may be united in persons to whom the inheritance cannot possibly descend, if circumstances should render the same eligible; but, in this case, the trustee shall be considered as acting in two distinct characters, and shall execute the obligations of both manager and guardian, and deliver the accounts required from each distinctly.

Manager and guardian to sign and seal all papers with their own names and seals.

Not to sign or seal the name of their ward or his deceased parents, but to deliver all family seals to the collector, to be deposited in the treasury.

XXXI. Both manager and guardian shall sign and seal all papers with their own names and seals, adding to the former their designation of manager or guardian. They shall, on no account, sign or seal the name of their ward, or of his (or her) deceased parents, but shall deliver all family seals belonging to the ward to the collector, to be deposited in the treasury of the collectorship.

Minors, and others having guardians, not to be sued, but under the protection and joint name of their guardians.

They may, however, sue the collector, their guardians or managers, by any person willing to undertake their cause, under the provision herein specified.

XXXII. *First.* Minors, and other disqualified landholders having guardians, as described in Section XXII., shall not be sued but under the protection and joint name of their guardians.

See Reg. LV. 1795.

Second. They may, however, during the term of their disqualification, sue the collectors, their guardians or managers, before the Court of Wards, for fraud, by any person willing to undertake their cause, provided he shall previously give security for the payment of all costs and damages in case of being nonsuited; in return for which, the person so suing shall receive any fine and costs that may be adjudged against the collector, guardian, or manager, in the cause undertaken by him. The Court of Wards may order the collector to inquire into and report upon any such charges against guardians or managers; but the collector is not to pass judgment, which is to be given by the Court of Wards. If the Court of Wards or the collector shall have occasion to require the attendance of any persons in the course of such inquiries, they shall make application to the judge of the proper Dewanny Adawlut to summon them to attend, and the Court of Wards and collectors are empowered to administer *oaths* to such persons, if necessary, under the rules and restrictions prescribed to the Zillah and City Courts for the administration of *oaths*. The Court of Wards are to transmit copies of any judgments which may be given by them, under this clause, against a collector, guardian, or manager, to the Court of Dewanny Adawlut of the zillah, and they shall be considered as judgments of the court and be enforced accordingly. An appeal, however, shall lie from

See Act XIII. 1850.

such judgments immediately to the Sudder Dewanny Adawlut, provided the petition of appeal be preferred to the Zillah Court, or to the Sudder Dewanny Adawlut, or to the Court of Wards, within three months after the date of the decision: and the Sudder Dewanny Adawlut is empowered to admit an appeal after that period, provided the petition of appeal be presented to that court, and the appellant shall show good cause, to its satisfaction, for not having preferred the appeal within the prescribed time.

No adoption by disqualified landholders valid without previous consent of the Court of Wards.

XXXIII. No adoption by disqualified landholders is to be deemed valid without the previous consent of the Court of Wards, on application made to them through the collector.

Information to accompany the collector's reports of disqualified landholders

XXXIV. When the collectors report to the board of revenue the disqualification of any landholder, they are at the same time to state the condition of the party, the particulars of his or her estate, real and personal, as far as can be ascertained, and the person who may appear to them most eligible for manager and guardian, with the grounds of such opinion. In cases of testamentary appointments of guardians, they are also to notice the same, adding whether there be any and what objections to the confirmation

Collectors to make such further reports as may be required by the Court of Wards, and they, as well as managers and guardians, to observe all instructions transmitted by that court, not contrary to these or future Regulations of the Governor-General in Council.

XXXV. The collectors are further to make such monthly or annual reports to the Court of Wards as may be required by them, and they, as well as managers and guardians, are to observe all instructions transmitted to them by the Court of Wards, not contrary to this Regulation or such other Regulations as may be hereafter enacted by the Governor-General in Council.

Collectors, managers, and guardians, liable to be sued for any act done in opposition to this Regulation, or any breach of their respective trusts, after the estate shall be removed from under the charge of the Court of Wards.

XXXVI. If a proprietor shall have been declared disqualified and shall have been afterwards restored, or if the estate of any disqualified proprietor shall legally devolve to or come into the possession of any person not disqualified for the management of it, such proprietor, or his or her heir or successor, is declared entitled to sue the collector, the guardian (if such disqualified proprietor shall have had a guardian), or the manager, in the proper Zillah or City Court, for any acts done by them respectively whilst the estate may have been under the charge of the Court of Wards, in opposition to this or any other Regulation that may be hereafter enacted regarding disqualified proprietors and their estates, or to any order issued by the Court of Wards, or for any breach of their respective trusts. The rules regarding the suits specified in Section XXXIII., Regulation XIV. 1793, which the collectors are required to defend at their own risk and expense, are to be considered applicable to suits that may be instituted against collectors under this section.

See Act XIII. 1850

Reg. XI. 1793.

A.D. 1793. REGULATION XI.

A REGULATION *for removing certain Restrictions to the Operation of the Hindoo and Mahomedan Laws, with regard to the Inheritance of landed Property, subject to the Payment of Revenue to Government:* PASSED *by the Governor-General in Council on the* 1*st May*, 1793.

I. A CUSTOM, originating in considerations of financial convenience, was established in these provinces under the Native Administrations, according to which some of the most extensive zemindarries are not liable to division. Upon the death of the proprietor of one of these estates, it devolves entire to the eldest son, or next heir of the deceased, to the exclusion of all other sons or relations. This custom is repugnant both to the Hindoo and Mahomedan laws, which annex to primogeniture no exclusive right of succession to landed property, and consequently subversive of the rights of those individuals who would be entitled to a share of the estates in question, were the established laws of inheritance allowed to operate with regard to them as well as all other estates. It likewise tends to prevent the general improvement of the country, from the proprietors of these large estates not having the means, or being unable to bestow the attention requisite for bringing into cultivation the extensive tracts of waste land comprised in them. For the above reasons, and as the limitation of the public demand upon the estates of individuals as they now exist, and the rules prescribed for apportioning the amount of it on the several shares of any estates which may be divided, obviate the objections and inconveniences that might have arisen from such divisions when the public demand was liable to annual or frequent variation, the Governor-General in Council has enacted the following rules.

See Reg. X. 1800.

After the 1st July, 1794, landed property to descend according to the Mahomedan or Hindoo law, unless the last proprietor shall have otherwise disposed of it in a manner sanctioned by those laws.

II. After the 1st of July 1794, corresponding with the 20th Assar, 1201 Bengal era; the 17th Assar, 1201 Fussily; 20th Assar, 1201 Willaity; 17th Assar, 1851 Sumbut; and the 2nd Zehigeh, 1208 Higeree; if any zemindar, independent talookdar, or other actual proprietor of land, shall die without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs, who by the Mahomedan or Hindoo law (according as the parties may be of the former or latter persuasion) may be respectively entitled to succeed to a portion of the landed property of the deceased, such persons shall succeed to the shares

Two or more persons succeeding to an estate, to be at liberty to hold it as a joint undivided estate;

III. If any zemindar, independent talookdar, or other actual proprietor of land, shall die subsequent to the period specified in Section II. without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs who, by the Mahomedan or Hindoo law (according as the parties may be of the former or latter persuasion) shall be respectively entitled to succeed to a portion of the landed

property of the deceased, under the rule contained in that section, such persons shall be at liberty, if they shall prefer so doing, to hold the property as a joint undivided estate. If one or more, or all of the sharers, shall be desirous of having separate possession of their respective shares, a division of the estate shall be made in the manner directed in Regulation [*XXV.* 1793,] and such sharer or sharers shall have the separate possession of such share or shares accordingly. If there shall be three or more sharers, and any two or more of them shall be desirous of holding their shares as a joint undivided estate, they shall be permitted to keep their shares united accordingly.

or one or more, or all of the sharers, allowed to have separate possession of his or their shares;

Rescinded; see Reg. XIX. 1814.

or two or more, of the sharers permitted to hold their shares as a joint undivided estate.

IV. It is to be understood, that if any two or more sharers shall keep their shares united, under the option granted to them in Section III., a manager for their joint estate is to be appointed under the rules contained in Section[s *XXIII.*, *XXIV.*, *XXV.*,] XXVI., Regulation VIII. 1793; and that if any one or more of such sharers shall apply to have the separate possession of his or their share or shares, the proportion of the public jumma charged upon the whole estate which is to be assessed upon such share or shares is to be adjusted according to the rules prescribed in Section X. Regulation I. 1793. If the estate is held khas, or let in farm, the provisions contained in Section XI. Regulation I. 1793, regarding estates so circumstanced which may be divided, will be applicable to it.

Manager to be appointed to shares held in joint property.

Rescinded; see Reg. XVII. 1805.

Shares held separate how to be assessed.

V. Nothing contained in this Regulation is to be construed to entitle any person to a share of an estate which may be now held entire by any individual, or that may devolve entire to any individual prior to the 1st July, 1794, in exclusion of the other heirs of the last proprietor, under the custom for the future abolition of which this Regulation is enacted.

This Regulation not to be in force until the 1st July, 1794, and then not to operate retrospectively.

VI. Nor to prohibit any actual proprietor of land bequeathing or transferring by will, or by a declaration in writing, or verbally, either prior or subsequent to the 1st July, 1794, his or her landed estate entire to his or her eldest son or next heir, or other son or heir, in exclusion of all other sons or heirs, or to any person or persons, or to two or more of his or her heirs, in exclusion of all other persons or heirs, in the proportions, and to be held in the manner which such proprietor may think proper; provided that the bequest or transfer be not repugnant to any Regulations that have been or may be passed by the Governor-General in Council, nor contrary to the Hindoo or Mahomedan law; and that the bequest or transfer, whether made by a will or other writing, or verbally, be authenticated by, or made before such witnesses, and in such manner as those laws and Regulations respectively do or may require.

Nor to prevent persons transferring their property in the manner and to whom they may think proper, provided the transfer be not repugnant to the Hindoo or Mahomedan law, or the Regulations of the Governor-General in Council.

Reg. XII. 1793.

A.D. 1793. REGULATION XII.*

A REGULATION *for the Appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature:* PASSED *by the Governor-General in Council on the* 1st *May*, 1793.

I. It is essential to the due administration of justice, that the law offices in the courts of judicature should be held by men of integrity, well versed in the laws, and that they should be so constituted as to render persons possessing the requisite qualifications solicitous to obtain them, and to afford every encouragement to such persons, when appointed to continue to discharge their duty with uprightness. It is likewise necessary, upon general principles, that the law officers should be subject to penalties for misconduct, that they may be deterred from abusing their important trusts. The following rules have been accordingly enacted.

Law officers of the Civil and Criminal Courts to be appointed by the Governor-General in Council; and not to be removable but for incapacity, or misconduct in their public, or profligacy in their private character, proved to his satisfaction.

II. The law officers of the Sudder Dewanny Adawlut, the Nizamut Adawlut, *the Provincial Courts of Appeal, the Courts of Circuit*, and the Zillah and City Courts, are to be appointed by the Governor-General in Council, and shall not be removable but for incapacity or misconduct in the performance of their public duty, or for any act of flagrant profligacy in their private conduct, proved to his satisfaction. Abolished by Sec. vii. Reg. III. 1829.

Qualifications for the law offices.

III. The law offices in the several courts are to be conferred on persons well versed in the laws, and of unblemished moral characters.

Mahomedan law officers of the Sudder Dewanny Adawlut and the *Provincial Courts of Appeal* to be the law officers of the Nizamut Adawlut and *Courts of Circuit*.

IV. The cauzy and mufties to the Sudder Dewanny Adawlut shall be the cauzy and mufties to the Nizamut Adawlut: and the cauzy and mufty of the *Provincial Courts of Appeal of each division* shall be the cauzy and mufty to the *Court of Circuit* of the same division.

Oath to be taken by the Mahomedan law officers of the Civil Courts of Judicature previous to their entering upon their offices.

V. *First.* The Mahomedan law officers of the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following *oath* before the court to which they may be respectively attached: See Reg. XVIII. 1817.

"I, A. B., cauzy (or mufty) to the Sudder Dewanny Adawlut (or the *Provincial Court of Appeal for the division of* ———, or the Dewanny Adawlut of the zillah or city of———), solemnly *swear*, that I will truly and faithfully perform the duties of cauzy (or mufty) of this court, according to the best of my knowledge and ability, and that I will not receive, directly or indirectly, any present or nuzzer, in money or effects of

* By Regulation XI. 1826, the power to appoint and remove the law officers of the Sudder Courts is declared to rest in the Governor-General in Council. The appointment of the law officers of the Zillah Courts requires his sanction—but their removal is competent to the Sudder Court, under the provisions of the same Regulation.

By Act XXXVII. 1850, provision is made for investigation of charges of misconduct preferred against any public officer not removable without the sanction of the Governor-General in Council.

any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending or have been decided in the court of which I am cauzy (or mufty); and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize me to receive."

Second. [Retrospective oath.]—*Rescinded by Sec. IV. Reg. XVIII.* 1817.

Mahomedan law officers of the Sudder Dewanny Adawlut and the *Provincial Courts of Appeal* to take the *oaths* in Regulation IX. 1793, as law officers to the Criminal Courts.

VI. The Mahomedan law officers of the Sudder Dewanny Adawlut and the *Provincial Courts of Appeal* are to take the *oaths* prescribed in Regulation IX. 1793, in their respective capacities of law officers to the Nizamut Adawlut and the *Courts of Circuit.*

Declaration to be made by the pundits to the Courts of Civil Judicature.

VII. The pundits to the Courts of Civil Judicature, previous to entering upon the execution of the duties of their offices, are to make and subscribe the following declaration before the courts to which they may be respectively attached:

See Reg. XVIII. 1817.

"I, A. B., pundit to the Sudder Dewanny Adawlut (or the *Provincial Court of Appeal for the division of* ———, or the Dewanny Adawlut of the zillah or city of ———), solemnly declare, that I will truly and faithfully execute the office of pundit of this court according to the best of my knowledge and ability; that I will answer all questions that may be put to me in writing or orally by the said court; that I will declare or give in writing what is in the Shaster; that I will not declare or give in writing what is not warranted by the Shaster; that if I declare any thing not warranted by the Shaster, I shall be deserving of punishment from Ishwur. I promise and swear that I will not receive, directly or indirectly, any present or nuzzur, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court of which I am pundit, and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize me to receive."

Courts how to proceed in charges of corruption or extortion that may be preferred against law officers.

Explained by Sec. vi. Reg. XVIII. 1817, and modified by Reg. III. 1827.

VIII. *First.* The rules prescribed in Section IX. Regulation XIII. 1793, respecting charges of corruption or extortion lodged against the native ministerial officers of the Civil and Criminal Courts, are to be held applicable to charges of a similar nature that may be preferred against the Hindoo or Mahomedan law officers of the several courts, with the following qualifications:

An appeal to lie to the Sudder Dewanny Adawlut from all decisions whatever passed by the *Provincial Courts of Appeal* under this section.

Second. An appeal shall lie to the Sudder Dewanny Adawlut from all decisions which may be passed by the *Provincial Courts of Appeal,* whereby a charge of corruption or extortion against any law officer may be decreed not proved, or by which any such charge may be adjudged to be proved, whatever may be the amount decreed to be paid, notwithstanding any thing that may be said to the contrary in any Regulation passed on this date.

Cases in which decrees passed by the *Provincial Courts* or *the* Zillah or City Courts on such charges are not to be enforced.

Third. No decree passed by any Zillah or City Court, *or any Provincial Court of Appeal,* adjudging a Hindoo or Mahomedan law officer guilty of corruption or extortion, shall be carried into execution, in the event of the law officer against whom such decree may be passed appealing from

the decree, and giving the securities required by Section XII. Regulation V. 1793, and Section X. Regulation VI. 1793, in cases of appeals from decisions for sums of money passed by those courts respectively, and the execution of which they are empowered to suspend upon such securities being given.

Cases in which the Zillah or City Courts are to transmit decrees adjudging their law officers guilty of corruption or extortion to the Governor-General in Council.

Fourth. The Zillah and City Courts are to enforce, by the usual process, all decrees that they may pass adjudging their law officers guilty of corruption or extortion, which may not be appealed against within the limited time, and transmit copies of the decrees to the Governor-General in Council.

Fifth. [Provincial Courts to enforce their own decrees.]—*Superseded by the abolition of those courts.*

Sudder Dewanny Adawlut to transmit such decrees to the Governor-General in Council.

Sixth. The Sudder Dewanny Adawlut is to transmit to the Governor-General in Council a copy of every decree which they may pass, adjudging a law officer of any Civil or Criminal Court guilty of corruption or extortion, within one week after it may be given.

Power reserved by the Governor-General in Council in cases of law officers being convicted of corruption or extortion.

Seventh. The Governor-General in Council, upon the receipt of any decree adjudging a law officer of a Civil or Criminal Court guilty of corruption or extortion, which may be transmitted to him under this section, reserves to himself the power of dismissing the offender from his office, or of both dismissing him from his office and declaring him incapable of exercising any employment under Government. The Governor-General in Council likewise reserves to himself the power of suspending any law officer against whom a charge of corruption or extortion may be preferred, until a final decision shall be passed on the charge, whenever it may appear to him expedient, either upon the representation of any of the Courts of Judicature, or in consequence of any other information which may come before him.

All final decrees adjudging such charges not proved are to be transmitted to the Governor-General in Council.

Eighth. When a *Provincial Court of Appeal, or a* Zillah or a City Court, shall adjudge a charge of corruption or extortion that may have been preferred against any law officer not to be proved, and the prosecutor shall not appeal from the decree within the limited time, the court is to transmit a copy of it to the Governor-General in Council. The Sudder Dewanny Adawlut, within the above-mentioned period, are to transmit to the Governor-General in Council copies of all decrees which they may pass, whereby any charge of corruption or extortion that may have been preferred against any law officer may be adjudged not proved.

Courts how to proceed when vacancies occur in the law offices in their respective courts.

IX. Upon a vacancy occurring in any law office in a Court of Judicature by death or resignation, the court is to report the vacancy to the Governor-General in Council and recommend a person duly qualified to fill it. The Governor-General in Council will either appoint the person so recommended, or any other person whom he may deem better qualified for the office.

See Sec. iv. Reg. XI. 1826.

A.D. 1793. REGULATION XIII.*

Reg. XIII. 1793.

A REGULATION *for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties:* PASSED *by the Governor-General in Council, on the 1st May,* 1793.

I. THE following rules have been enacted for the appointment of the ministerial officers of the Civil and Criminal Courts of Judicature, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption or extortion that may be preferred against them, or any private servants or dependants of the judges of the courts.

Rescinded by Sec. li. Reg. V. 1804.

Courts to appoint their native officers.

Exception to the rule.

To remove them when they may judge it proper.

II. The Courts of Civil and Criminal Judicature are to *appoint their respective native officers conformably to their establishments (excepting the naibs of the nazirs, the mirdahs, and the peons), and are empowered to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient, and* nominate other persons duly qualified for the appointments. The nazirs are to appoint their own naibs and mirdahs, and the peons of the courts to which they may respectively belong, and to remove them at their pleasure. The nazirs are to enter into a mochulka or penal obligation, in such sum as may be required by the courts to which they may be respectively attached, for the good behaviour of the naibs, mirdahs, and peons, whom they may appoint. The courts are authorized to require similar mochulkas or penal obligations, in such sums as they may judge proper, from the other native officers of their respective courts.

See Secs. xii. and xiii. Reg. V. 1804.

Nazirs to appoint their own naibs, mirdahs, and peons.

To execute penalty-bonds for their good behaviour.

Courts empowered to take similar obligations from the other native officers.

See Act XXI. 1837.

Oath to be taken by the registers and their assistants, and other ministerial officers, being covenanted servants of the Company.

III. *First.* The registers to the Courts of Civil Judicature and their assistants, and all ministerial officers of the courts who may be covenanted servants of the Company, are to be appointed by the Governor-General in Council. Previous to entering upon the execution of the duties of their respective offices, they are to take and subscribe the following oath in open court, before the judge or judges of the court to which they may be attached:

"I, A. B., register (or assistant to the register or other officer) to the Sudder Dewanny Adawlut [*(or the Provincial Court of Appeal for the division of* ———, *or the Dewanny Adawlut of the zillah or city of*] ———), solemnly swear, that I will truly and faithfully perform the duties of register (or assistant to the register or other officer) to this court, according to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or nuzzer, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the Court of Adawlut of which I am appointed register (or to the register

* By Act XXXVII. 1850, provision is made for the investigation of charges of misconduct preferred against any public officer not removable without the sanction of the Governor-General in Council.

of which I am assistant, or other officer); that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer in money or effects, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending or have been decided in the court; that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions in Bengal for the purpose of remitting money to Europe, nor in any commercial transactions; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive; So help me God."

Registers to the Sudder Dewanny Adawlut, *and the Provincial Courts of Appeal*, and other officers being Company's servants, to take the oath in Regulation IX. in their capacity of officers of the Criminal Courts.

Second. The registers to the Sudder Dewanny Adawlut [*and the Provincial Courts of Appeal*] and their assistants, and all ministerial officers of those courts, being covenanted servants of the Company, in their respective capacities of registers, and assistants to the registers or officers to the Nizamut Adawlut [*and the Courts of Circuit*], are to take the oath prescribed in Section XXXV. Regulation IX. 1793.

Oath to be taken by certain of the native officers of the Civil and Criminal Courts.

IV. The serishtadars, or other head native officers, moonshees, mohurrers, and nazirs of the Civil and Criminal Courts, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following *oath* in open court, before the judge or judges of the court to which they may be attached.

See Secs. ii. and iii. Reg. XVIII. 1817.

"I, A. B., appointed to the office of serishtadar (or other head officer, or moonshee, mohurrer, or nazir) to the Sudder Dewanny Adawlut or the Nizamut Adawlut (*or the Provincial Court of Appeal for the division of* ———, *or the Court of Circuit for the division of* ———, or the Dewanny Adawlut of the zillah or city of ———), solemnly *swear*, that I will truly and faithfully perform the duties of the office to which I have been nominated to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or nuzzer, in money or effects of any kind, from any party whomsoever, on account of any suit to be instituted, or which may be depending or have been decided in the court; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or nuzzer, in money or effects, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending or have been decided in the court; and that I will not derive, directly or indirectly, any advantages or emoluments from my office, excepting such as the orders of Government do or may authorize me to receive."

Ministerial officers to perform all such official acts as may be prescribed to them by the judges.

V. The registers to the *Civil and Criminal Courts* are to perform all such official acts as may be prescribed to them by the judges of the courts, who are empowered to assign to all ministerial officers attached to their several courts the particular duties or business to be performed by them respectively.

See Act XVII. 1841, and note to Sec. vii.

VI. [Zillah and City Courts may refer suits to their registers.]—*Rescinded by Sec. II. Reg. VIII.* 1794.

Rescinded by Sec. vi. Reg. IV. 1796.

VII. *The registers to the Zillah and City Courts are not to exercise the powers of judge, in the event of the temporary absence or indisposition of the judge of the court or of the office of judge being vacant, without the express sanction of the Governor-General in Council;* nor are the registers to any* of the Civil or Criminal Courts of Judicature to exercise any judicial or other powers in any case or matter coming within the cognizance of the courts, excepting the powers which they may be authorized to exercise by any Regulation passed on the 1st May, 1793, or that may be enacted subsequent to that date, and printed and published in the manner directed in Regulation XLI. 1793.

Registers to the Zillah and City Courts not to officiate as judge without the sanction of the Governor-General in Council.

Registers to the Civil and Criminal Courts not to exercise any powers but such as are vested in them by the Regulations.

Modified by Sec. xvii. Reg. II. 1801; Sec. xiv. Reg. II. 1821, and Sec. xxix. Reg. V. 1831.

VIII.* The registers to the Civil and Criminal Courts, after the rising of the courts, are to procure all acts of the courts to be executed. The assistants to the registers, and the native officers attached to the courts, are to assist the registers in performing the above-mentioned duties, and in translating and transcribing papers, and in arranging and keeping the records of the courts. The registers and their assistants, and the native officers, are to perform the duties specified in this section, in the manner and comformably to the rules which the judges of the courts to which they may be respectively attached may think it proper to prescribe. The native officers of each court are not to interfere in any other manner than as above directed, publicly or privately, in any cause or matter depending before the court, or which may have been or shall be intended to be brought before it.

Duties to be performed by the registers, assistants, and native officers.

See Acts XII. and XIII. 1850.

IX.† *First.* The ministerial officers of the Civil and Criminal Courts (under which designation are comprehended *the registers and the assistants to the registers, or any other subordinate officers being covenanted servants of the Company, and* all native officers attached to the courts, excepting the law officers) are declared amenable to the courts to which they may be respectively attached for acts of corruption or extortion; and the courts are empowered to receive any such charges that may be preferred against them. Previous, however, to receiving the charge, the courts are to require the complainant to *make oath* to the truth of it (or subscribe the required declaration, if he shall come within the description of persons whom the courts are empowered to exempt from taking oaths), and give security, in whatever sum they may judge proper, to prosecute the charge without delay. Unless the complainant shall previously take the *oath*, or subscribe the above-mentioned declaration and give the required security, the courts are not to receive the charge.

Ministerial officers of the courts amenable to their respective courts for corruption and extortion.

See Act V. 1840.

Oath or declaration to be made, and security to be given by the complainant before the court receive the charge.

Charge to be rejected, unless the complainant shall make the required oath or declaration and give security.

Superseded by the abolition of the Provincial Courts.

Second. The Sudder Dewanny Adawlut and the Nizamut Adawlut are empowered to receive any charge of corruption or extortion, not relating to any suit or matter depending before them or decided by them, that may be preferred to them against any ministerial officer of a Provincial Court of Appeal or a Court of Circuit, and to refer it to the court to which the accused may be attached, by a precept under the seal of the court and attested by the register, provided the complainant shall prove to their satisfaction, that he preferred the

Case in which the Sudder Dewanny Adawlut and the Nizamut Adawlut are empowered to receive charges of corruption or extortion, against the ministerial officers of the Provincial Courts of Appeal and Courts of Circuit.

* The office of register, except of the Sudder Dewanny and Nizamut Adawlut, having been abolished, the application of this rule is restricted accordingly.

† All such parts of this Section as relate to covenanted servants are repealed by Sec. i. Act XXVI. 1839.

How the courts are to proceed, if the charge shall not relate to any matter depending before them or decided by them.

How the courts are to proceed if the charge relate to any matter depending before them or decided by them.

charge in the first instance to such court, and offered to make the required oath or declaration and to give the security prescribed in Clause First, and that the court notwithstanding omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security prescribed in the above-mentioned clause. But if any person shall prefer a charge of corruption or extortion against any ministerial officer of a Provincial Court of Appeal or a Court of Circuit, to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, in any appeal or matter which may be depending or have been decided in the two last-mentioned courts, the courts may receive the charge, and refer it to the Provincial Court of Appeal or the Court of Circuit to which the accused may be attached, without further inquiry; provided the complainant shall previously make the oath or declaration, and give the security required in Clause First.

Cases in which the Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion against the ministerial officers of any Zillah or City Court.

How the court is to proceed if the charge relate not to any matter depending before it or which may have been decided by it.

Third. The Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion, not relating to any matter depending before them or decided by them, that may be preferred to them against any ministerial officer of a Zillah or a City Court, and to order the court to which the accused may be attached, by a precept under their seal and attested by their register, to receive the charge, provided the complainant shall prove to their satisfaction, that he preferred the charge in the first instance to such Zillah or City Court, and offered to make the required *oath or* declaration and give the security prescribed in Clause First, and that the court notwithstanding omitted or refused to receive the charge; *and provided, also, that the complainant shall further prove to the satisfaction of the court, that in consequence of such refusal he preferred the charge to the Provincial Court of Appeal of the division, and offered to make the required oath or declaration and give the security prescribed in Clause First, and that the Provincial Court nevertheless omitted or refused to receive the charge: and shall moreover make the required oath or declaration, and enter into the security prescribed in the above-mentioned clause. The Sudder Dewanny Adawlut is likewise empowered to receive charges of corruption or extortion, which may be preferred against a ministerial officer of a Zillah or City Court, that may have been preferred in the first instance to the Provincial Court in any appeal or matter depending before it, or which may have been decided by it, and to refer it to such Provincial Court, or to the Zillah or City Court, to which the accused may be attached; provided the complainant shall prove to the satisfaction of the court, that he preferred the charge to the Provincial Court, and offered to make the required oath or declaration and give the security prescribed in Clause First, and shall moreover make the required oath or declaration and enter into the security prescribed in the above-mentioned clause.* But if any person shall charge a ministerial officer of any Zillah or City Court before the Sudder Dewanny Adawlut with corruption or extortion in any suit or matter that may be depending before it, or which may have been decided by it, the court may receive the charge, and refer it for trial to the Zillah or City Court to which the offender may be attached without further inquiry, provided the complainant shall previously make the prescribed *oath or* declaration to the truth of the charge, and give the security required in Clause First.

See Act XXXVII. 1850.

Superseded by the abolition of the Provincial Courts.

Court how to proceed if the charge relate to any matter depending before it, or which may have been decided by it.

Cases in which the Provincial Courts of Appeal are empowered to receive charges of

Fourth. The Provincial Courts of Appeal are empowered to receive any charge of corruption not relating to any suit or matter depending before them or decided by them, that may be preferred to them against any of the ministe-

Superseded by the abolition of the Provincial Courts.

rial officers of the Zillah and City Courts within their respective jurisdictions, and to refer the charge to the court to which the accused may be attached, provided it be proved to their satisfaction, that the accuser preferred the charge in the first instance to such Zillah or City Court, and offered to make the oath or declaration, and give the security required in Clause First, and that the court notwithstanding omitted or refused to receive the charge. But if any person shall charge a ministerial officer of any Zillah or City Court with corruption or extortion, in any appeal or matter which may be depending or have been decided in the Provincial Court, such court may receive the charge, and refer it to the Zillah or City Court to which the accused may be attached without further inquiry, provided the complainant shall previously make the prescribed oath or declaration, and give the security required in Clause First.

corruption or extortion against the ministerial officers of the Zillah or City Courts.

Fifth. If the Nizamut Adawlut shall receive a charge of corruption or extortion against any ministerial officer of *a Court of Circuit*, or if the Sudder Dewanny Adawlut shall receive any such charge against a ministerial officer of a *Provincial Court of Appeal or a* Zillah or City Court, and there shall appear to *those* superior courts *respectively*, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are empowered, according as they may judge expedient, either to cause the charge to be tried by the Sudder Dewanny Adawlut, *or if the charge be against any ministerial officer of a Zillah or a City Court, to cause it to be tried by the Provincial Court of Appeal of the division in which such court may be situated.*

Sudder Dewanny Adawlut and Nizamut Adawlut how to proceed, in the event of their receiving a charge of corruption or extortion, and there appearing to them objections to referring it to the court to which the accused may be attached.

Superseded by the abolition of the Provincial Courts.

Sixth. If a Provincial Court of Appeal shall receive a charge of corruption or extortion against any ministerial officer of a Zillah or City Court, and there shall appear to the court, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are to report the grounds of their objections to the Sudder Dewanny Adawlut, which court are empowered to cause the charge to be tried by such Provincial, or Zillah, or City Court, according as they may deem expedient.

Provincial Courts how to proceed in the event of their receiving a charge of corruption or extortion, and there appearing to them any objections to the referring it to the court to which the accused may be attached

See Cl. 1, Sec. vi Reg XVIII. 1817, Reg.III. 1827, and Act XXXVII.1850

Seventh. Charges of corruption or extortion that may be preferred against the ministerial officers of any Civil or Criminal Court of Judicature under this section, are to be considered as civil actions, and accordingly are to be prosecuted in the Civil Courts. Conformably to this rule, whenever the Sudder Dewanny Adawlut or the Nizamut Adawlut may receive any such charge against their own officers, or exercise the powers vested in them by Clause Fifth, they are to direct the complainant to prosecute the charge in the Sudder Dewanny Adawlut: *and whenever the Provincial Courts of Appeal or the Courts of Circuit may receive any such charge against any of their own ministerial officers, or the ministerial officers of any Zillah or City Court, or in the event of any such charge being referred to them, they are to direct the complainant to prosecute the charge before the Provincial Court of Appeal*: and whenever any Zillah or City Court may receive any such charge against their ministerial officers, or any such charge may be referred to them by the Sudder Dewanny Adawlut or the *Provincial Court of Appeal*, they are to direct the complainant to prosecute the charge in the Dewanny Adawlut.

In what courts charges of corruption or extortion, preferred against any ministerial officer of a court, are to be tried

Eighth. If a native ministerial officer of any Civil or Criminal Court, who may be prosecuted for corruption or extortion under this section, shall be proved to have received or taken the whole or any part of the money

Judgment to be passed by the courts, in the event of a charge of corruption or extortion

being proved, in whole or in part, against any native ministerial officer.

or property which he may be charged with having received or taken, the court is to adjudge him to refund the amount or value of the money or property which he may be so proved to have so received or taken, and to pay a fine of three times the amount of it to Government. In enforcing the decision, the court is to observe the rules prescribed for enforcing other decisions of the court. If the officer against whom such decree may be passed shall not appeal from it within the limited time, of if an appeal shall not lie from the decision, the court is to transmit a copy of the decree to the Governor-General in Council. If an appeal shall lie from the decision, and such officer shall prefer an appeal, and the decision shall be confirmed in appeal, the court by which the final decision may be passed is to transmit a copy of it to the Governor-General in Council, who reserves to himself the power of declaring such officer incapable of serving Government in any capacity. The courts may suspend a native officer against whom a charge of corruption or extortion may be preferred until the final decision may be passed, if they shall see cause for so doing.

Modified by Sec. ii. Reg. III. 1827.

Ninth, *Tenth*, and *Eleventh*. [Judgment—process—appeal to the Sudder Adawlut.]—*Rescinded by Sec. III. Reg. X.* 1806, *and Sec. I. Act XXVI.* 1839.

Officers at liberty to prosecute persons preferring groundless charges against them under this section.

Twelfth. If any person shall prefer a charge of corruption or extortion against a ministerial officer of any Civil or Criminal Court of Judicature under this section, and the charge shall not be proved, the accused is to have the option of suing the accuser for damages in any Court of Civil Judicature to which he may be amenable.

Courts of Appeal and Circuit, and Zillah and City Courts, to report any misconduct of their registers or their assistants.

X. *The Provincial Courts of Appeal, and the Courts of Circuit, and the Zillah and City Courts, are enjoined to report to the Sudder Dewanny Adawlut or to the Nizamut Adawlut (according to the nature of the case) whenever their registers, or the assistants to their registers, or other ministerial officers attached to their courts who may be covenanted servants of the Company, shall be guilty of neglect or misconduct (other than corruption or extortion) in the discharge of their duty.*

Superseded—see note to Sec. vii.

Punishment for persons not attached to the courts, convicted of corruption or extortion.

XI. If a native servant or dependant of any judge of a Civil or Criminal Court of Judicature, not being a public officer attached to the court, shall extort or receive, directly or indirectly, any money or other valuable consideration, under any pretence whatever, from any party or person, on account of any suit to be instituted, or that may be depending or have been decided in the court, he shall be committed as for a contempt of court, and be punished by a fine equal to treble the sum of money extorted or received, or by imprisonment [*or corporal punishment*,] at the discretion of the court; and the judge is required to discharge such servant or dependant, and never to employ him, directly or indirectly, in his public or private capacity. If the offender shall not appeal against the decree within the limited time, or if an appeal shall not lie from the decision, or if the decision shall be confirmed in appeal, the court by which the final decree may be passed shall transmit a copy of it to the Governor-General in Council, who, in addition to the penalties or punishments specified in the decree, will, if there shall appear to him grounds for so doing, declare the offender incapable of serving Government in any capacity.

Rescinded by Reg. II. 1834.

A.D. 1793. REGULATION XIV.

A REGULATION *for the recovery of Arrears of the public Revenue assessed upon the Lands, from Zemindars, independent Talookdars, and other actual Proprietors of Land, and Farmers of Land holding Farms immediately of Government:* PASSED *by the Governor-General in Council, on the* 1st *May*, 1793.

I. To ensure the punctual collection of the annual revenue payable to Government by the proprietors and farmers of land, it is essential that the collectors should be armed with powers to enforce the discharge of it, without having recourse to the courts of justice, as the delay that must necessarily attend the institution of a law process for the recovery of every arrear would encourage persons destitute of good faith to withhold the public dues, and render the collection of them a source of endless litigation. It is equally requisite, upon general principles, that the collectors should exercise these powers at their own peril, that they may be deterred from abusing them for the purposes of exaction and oppression, whereby the improvement of landed property would be discouraged, and the value of it continue uncertain and consequently depreciated. The collectors having in their possession the engagements of the proprietors and farmers of land, which specify the amount of the annual revenue that they have respectively agreed to pay, with the monthly proportions in which it is to be discharged, and also the rules defining the process by which they are to compel the payment of arrears, can never suffer from unjust prosecutions, so long as they are careful not to infringe those rules and engagements, as the courts of justice, at the same time that they will restrain them from abusing their power, will always support them in the due exercise of it, for enforcing payment of what they are authorized to demand on behalf of the state. On the other hand, the proprietors and farmers of land will be able to prevent the powers delegated to the collectors of revenue being exercised to their detriment, by performing punctually the engagements which they have voluntarily entered into with the public. Until they previously violate those engagements, the collector will have no authority to issue any process affecting either their persons, rights, or property; and if he exceeds or abuses the powers vested in him, they will be able to obtain redress for the injury which they may sustain, by prosecuting him in the court of justice. The Governor-General in Council has accordingly enacted as follows:

II. [Definition of an arrear of revenue.]—*Repealed by Section I. Act XII.* 1841.

Rescinded under the provisions of Cl. 2, Sec. ii. Reg. XI. 1822.

III. *When a collector shall have occasion to require payment of an arrear of revenue from any zemindar, independent talookdar, or other actual proprietor of land, or any farmer of land, he is to demand the discharge of it by a writing under his official seal, and attested by his signature and that of his dewan, specifying the amount of the arrear and the date on which it became*

Payment of arrears of revenue to be demanded in writing.

By whom the writing is to be attested, what it is to contain,

and by whom and how served upon the defaulter.

due, and requiring it to be paid at the treasury of the collectorship within a certain number of days after the day on which the writing may be served, in the manner herein specified. In fixing the day for the payment of the arrear, the collector is to advert to the distance of his place of residence from the estate or farm of the defaulter, and allow a reasonable time for him to convey the money to the public treasury. The collector is to deliver the writing to a single peon, with directions to proceed either to the principal cutcherry of the defaulter in the estate or farm on account of which the arrear may be due, or to the usual place of abode of the defaulter, if it be within the limits of his zillah, according as he may deem advisable. The defaulter, or his head officer in attendance in such cutcherry, is to grant, and the peon is to take, a receipt for the writing, specifying the date on which he may present it. The defaulter, or his officer above mentioned, is to pay to the peon two annas per day for his subsistence (excepting in districts where custom has fixed the subsistence-money of peons at a lower rate, in which case such lower rate, and no more, shall be exacted), for the time allowed for delivering the writing and returning to the collector. The name of the peon who may be deputed, the amount of his subsistence-money, and the number of days for which he is to receive it, are to be endorsed on the writing. If the peon deputed to serve the demand for the arrears shall not meet with, or be able to gain admittance to, the defaulter or his head officer, by the evening of the day following the day on which he may arrive at his usual place of abode, or at his cutcherry above specified, or if the defaulter or his head officer shall refuse or omit to give the receipt above required to the peon immediately upon his presenting the writing, he is on the same evening to fix up the writing on the outer door or gate of such place or cutcherry, and return to the collector, to whom he is to report the date on which he may have fixed it up. Written demands for arrears so presented to a defaulter or his head officer, or fixed up at his usual place of abode, or his cutcherry before mentioned, shall be considered to have been duly served upon him.

IV. [Confinement of defaulters.]—*Superseded by Section III. Regulation III.* 1794, *and Clause Second, Section XXIII. Regulation VII.* 1799.

Process to be observed by collectors in confining defaulters.

V. When a collector shall proceed [*under Section IV.**] to the confinement of a zemindar, independent talookdar, or other actual proprietor of land or farmer of land, for the recovery of arrears, he shall depute two peons, but no greater number than two, with a writing under his official seal, and attested with his signature [*and that of his dewan,*] specifying the amount of the arrear due from the defaulter, and the date on which it became payable, and requiring him to deliver himself into the custody of the peons, that they may convey him to the gaol of the Dewanny Adawlut of the zillah. *The peons are to carry the defaulter direct to the gaol.* Immediately upon the arrival of the defaulter at the gaol, the collector is to apply to the court, by motion in writing, to be made in open court, if the court shall be sitting, through the pleader of Government, for the confinement of the defaulter. If the court shall not be sitting, the motion is to be presented to the judge out of court. The motion is to specify the amount of the arrear due from the defaulter and the date on which it

Modified as regards farmers by Cl. 2, Sec. xxiii. Reg. VII. 1799, and see Cl. 2, Sec. ii. Reg. XI. 1822.

Defaulter to be conveyed to the Dewanny Adawlut gaol.

Motion, in writing, to be made to the court for his confinement.

What the motion is to contain.

* Substitute Secs. iii. and xiv. Reg. III. 1794, as regards proprietors, and Clause 2, Sec. xxiii. Reg. VII. 1799, as respects farmers.

Judge to confine the defaulter.

became payable. Upon receipt of the motion, the judge is immediately to order the defaulter to be confined in the gaol of the Dewanny Adawlut, and detain him there until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the collector shall apply to the court, by motion made as above directed, to have him released. Peons deputed to take defaulting proprietors or farmers of land into custody under this section, are to receive from the defaulter two annas per day each for their subsistence (excepting in districts where custom has fixed the subsistence-money of peons at a lower rate, in which case such lower rate, and no more, shall be exacted), for the time allowed for taking him into custody and conveying him to gaol. The names of the peons who may be deputed, the amount of the subsistence-money, and the number of days for which they are to receive it, are to be endorsed on the writing. If the defaulter shall not reside or be within the limits of the zillah wherein the lands on account of which the arrear shall be due may be situated, the collector is to order the two peons whom he may charge with the writing to proceed direct to the collector of the zillah in which the defaulter may be or reside, and such collector shall immediately send with them a peon to point out the place of residence of the defaulter. The two peons shall take the defaulter into custody, and convey him to the gaol of the Dewanny Adawlut of the zillah in which they may so apprehend him. The collector who may issue the writing shall forward to the vakeel of Government in such zillah the prescribed motion for the confinement of the defaulter, so that he may have it ready to present to the judge immediately upon the arrival of the defaulter at the gaol. The collector is to be careful, likewise, to specify in the writing for taking the defaulter into custody, the name of the zillah to the gaol of which he is to be conducted. With the above exceptions as to the mode of serving the process and the gaol in which the defaulter is directed to be confined, all the other rules contained in this Regulation regarding his case are to be considered equally applicable to it, as if he had been imprisoned in the gaol of the zillah wherein the lands on account of which the arrear shall be due may be situated. All suits or complaints which the defaulter may have to prefer against the collector or his officers, or the ameen who may be deputed to take charge of his lands, are accordingly to be lodged in the Dewanny Adawlut of the last-mentioned zillah, and the judge of the zillah, in the gaol of which the defaulter may be confined, is to give effect to all decrees or orders which may be transmitted to him by the judge of the zillah in which the suits or complaints of the defaulter may be so preferred.

Subsistence-money to be paid to the peons.

Modified as regards farmers by Cl. 2, Sec. xxiii. Reg. VII. 1799, and see Cl. 2, Sec. ii. Reg. XI. 1822.

Precautions to be taken for the security of the revenue upon the confinement of a proprietor or farmer of land.

VI.* When a collector shall proceed to confine a zemindar, independent talookdar, or other actual proprietor of land or farmer of land [*under Section IV.*,] he is to depute an ameen, with a proper establishment of officers, to collect the rents and revenues from the estate or farm of the defaulter. The collector is to transmit the establishment to the Board of

* Under the provisions of Secs. iii. and xiv. Reg. III. 1794, this section is applicable to proprietors only when the proceeds of sale are insufficient to pay the arrear, or no purchasers have been found for their estates; its applicability to farmers is determined by Clauses 2 and 3, Sec. xxiii. Reg. VII. 1799; see also Clause 2, Sec. ii. Reg. XI. 1822.

Revenue, who are to submit it to the Governor-General in Council, with a recommendation that it be confirmed or altered, as may appear to them advisable. The expense of the establishment of the ameen, when approved, and all other charges attending his deputation which may be admitted, shall be defrayed by the defaulter, and disbursed from the collections made from his estate or farm. The dowan, or head native officer of the defaulter, or any other person whom he may think proper to appoint, is to keep a counterpart of the accounts of the receipts and disbursements of the ameen. The ameen is to collect according to the engagements that may subsist between the defaulter and his dependent talookdars, under-farmers and ryots, and shall not make any alterations whatever in such engagements, or exact more than the amount specified in them, whether they be conformable to Regulation XLIV. 1793, or not. The ameen shall be liable to a prosecution in the Court of Dewanny Adawlut of the zillah, for any alteration or infringement of such engagements in opposition to this Section. In cases in which no engagements may exist between the defaulter and his dependent talookdars or ryots, the ameen is to collect from them according to the established rates and usages of the pergunnah. The ameen shall likewise be subject to a prosecution by the proprietor of the estate or the farmer, for embezzlement or injuries done to the estate or farm, during the time that the collection of the rents and revenues of it may be entrusted to him. If the estate or farm of the defaulter shall be too inconsiderable to admit of its being charged with the expense of the appointment of an ameen, it shall be committed to the nearest tehseeldar, or other officer, employed under the collector in the business of the collections, who shall perform the duties above prescribed to the ameen, and under the same restrictions and penalties.

Counterpart of the accounts of the ameen to be kept by a person on the part of the defaulter.

The ameen to collect according to the engagements of the defaulter with his dependent talookdars or ryots, under pain of being prosecuted for the infringement of them.

How the ameen is to collect where no such engagements subsist.

See Cl. 3, Sec. xxiii. Reg. VII. 1799.

Ameen liable to be prosecuted for embezzlement, or injuries done to the estate or farm.

Small estates to be committed to the charge of the nearest tehseeldar, or other native revenue officer.

VII. [Interest on arrears.]—*Rescinded by Section II. Regulation VII.* 1830.

VIII. If the crops in any estate or farm shall have been damaged or destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of the proprietor or farmer, and such [*proprietor or**] farmer shall fall in arrears, so as to subject himself to be confined under [*Section IV.*,†] and the collector shall be satisfied, from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the period limited *in the written demand for the payment of them, required to be issued under Section III.* either from the collections on account of such year from his *estate or* farm, or from his private funds or property, or by a loan, he is directed to suspend the exercise of the powers vested in him in the first-mentioned section for the confinement of the defaulter. But the collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter as required *in that section.*

Cases in which the collector is directed to suspend the exercise of the powers vested in him by Section *iv.*

*Superseded by Secs. iii. and xiv. Reg. III. 1794.

† Substitute Cl. 2, Sec. xxiii. Reg. VII. 1799.

See Cl. 7, Sec. xxiii. Reg. VII. 1799.

IX. X. XI.—[Collectors not to imprison proprietors who take a course described.]—*Rescinded by Section XI. Regulation III.* 1794.

XII. Every proprietor or farmer of land, who may be in confinement for arrears of revenue that may not have been adjudged to be due from him

Persons confined by the collector for arrears, at liberty to institute a

See Secs. iii. and xiv. Reg. III. 1794, and

Cl. 2, Sec. xxiii. Reg. VII. 1799, and Reg. II. 1814.

by a judicial decree, and who may deem the demand not warranted by his engagements with Government, is permitted to prosecute the collector by whom he may have been imprisoned, in the Dewanny Adawlut of the zillah wherein the lands on account of which the arrears shall be claimed may be situated, to try the justness of the demand. If no part of the arrear claimed shall be found to be due from him, the judge shall release him, and decree such costs and damages against the collector as he may deem equitable, upon a consideration of the circumstances of the case. If only a part of the demand shall appear due, the court is to discharge the prisoner upon his paying such part. In both cases, however, the court, previous to releasing such person, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the collector in consequence of orders from the Board of Revenue, or without their orders. If the collector shall represent to the court that an appeal will not be preferred from the decision, or if an appeal shall not be lodged within the time limited for preferring appeals to the *Provincial Courts of Appeal*, the judge shall release the person so confined without taking such security. [*But no collector shall be liable to the payment of any damages, for causing proprietors of land or their sureties to be confined under Sections IX. X. or XI. in consequence of their not instituting the suit conformably to their engagement, or performing the other conditions to which they may have agreed, as therein specified, although it should be determined, upon trial, that no part of the arrear which was to constitute the subject of the suit*

suit against him to try the justness of the demand.

Superseded by the rescission of Secs. ix. x. and xi. by Sec. xi. Reg. III. 1794.

XIII. [Sale of estates in arrear at the end of the year—restrictions on sales.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

XIV. [Proprietor or farmer may pay collector's demand and sue for refund.]—*Rescinded by Section XI. Regulation III.* 1794.

See note to Sec. vi.

XV.* If a collector shall issue the process prescribed in Section V. against any zemindar, independent talookdar, or other actual proprietor of land, to convey him to gaol on account of arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the collector who may issue the writing is immediately to represent the circumstances, through the vakeel of Government, to the Dewanny Adawlut of the zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the peons deputed to execute the process, or any two or more credible persons, making *oath* to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon *oath* to any questions which he may put to them, that the charge is well founded, shall require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day

Collector how to proceed, when a proprietor of land refuses to obey or resists the process issued by him under Section v., or escapes from the peons, or prevents the process being served upon him.

Judge, upon the charge appearing to him well founded, to issue a publication, requiring the defaulter to deliver himself up to the court in four weeks.

* The provisions of Secs. xv. to xxi. are declared applicable to resistance of process issued under Reg. VII. 1799, by Sec. xxiv. of that Regulation.

In what language the publication is to be written, and where and when it is to be fixed up.

following the date of publication. The publication is to be written in the Persian and Bengal languages, if the estate of the defaulter shall be in Bengal or Orissa; or in the Persian language, and the Hindoostanee language and Nageree character, if it should be situated in Behar; and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal cutcherry in the estate on account of which the arrears may be due, in the office of collector and the court-room of the Dewanny Adawlut of the zillah. The collector is to continue the ameen directed to be deputed by Section VI. to collect the rents and revenues of the estate of the defaulter, in the same manner as if the process issued under Section V. had been duly served and obeyed by him.

See Act XXIX. 1837.

Ameen to be continued in the same manner as if the process had been duly served.

Decree to be passed by the Zillah Court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him

XVI.* If the defaulter shall not surrender himself before the expiration of the period limited in the publication directed to be made in Section XV., or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence and that which the collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court that the defaulter is guilty of the charge, the court is to decree the proprietary right of the defaulter and his heirs in the estate on account of which the arrears may be due forfeited to Government. If the defaulter shall not appeal from the decree to the *Provincial Court of Appeal* within the time limited for referring appeals *to that court in Section XII. Regulation V.* 1793, the court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. *If the defaulter shall appeal to the Provincial Court of Appeal within the prescribed period, and the court should confirm the decision of the Zillah Court (and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X. Regulation VI.* 1793), *the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the Zillah Court, to the Governor-General in Council.* If an appeal shall be received from the decision of the *Provincial Court of Appeal*, and the Sudder Dewanny Adawlut should confirm the decree of the *Provincial Court*, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal*, to the Governor-General in Council. If the judge of the Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Section V. had been duly served upon him and he had obeyed it; and the collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it, or not, as may appear to them proper. If the board shall order an appeal to be preferred, and it shall be lodged within the limited time, *and the Provincial Court should reverse the decision of the Zillah Court and adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder Dewanny*

Court to transmit the decree and proceedings to the Governor-General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal and the decision of the Zillah Court be confirmed, the Provincial Court to transmit a copy of the decree and proceedings to the Governor-General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut or the cause not being appealable

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the *Provincial Court*.

Collector how to proceed, if the *Zillah* Court should adjudge the charge not proved.

Rule for cases in which the Provincial Courts of Appeal may reverse such decisions of the Zillah Courts.

* See note in preceding page.

Adawlut, or if it shall be appealable and an appeal should not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If the judge of the Zillah Court shall decree the charge proved and the decision shall be reversed in the Provincial Court, the collector is immediately to transmit a copy of the decrees and proceedings of the Zillah Court and Provincial Court of Appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable), or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the court should reverse the decision of the *Provincial Court* and declare the proprietary right in the estate forfeited, the court is immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal,* to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the *Provincial Courts of Appeal* under this section an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculating according to the amount paid or payable by the dependent talookdars, under-farmers, and ryots, to the defaulter, on account of the year in which the decision of the *Zillah* Court may be passed, shall exceed *one thousand sicca** rupees; and the collectors are enjoined to insert generally in the representation which they are directed to make to the Dewanny Adawlut of the zillah in Section XV. whether the produce of the estate on account of the year above mentioned, according to the best information they may have been able to obtain, exceeds or falls short of *one thousand sicca** rupees, but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limited period and the collector shall have stated the produce of the estate to be under *one thousand sicca** rupees and the defaulter shall not deny the truth of the collector's statement in his answer to the charge, and the cause should be afterwards brought before the *Provincial Court of Appeal,* an appeal shall not lie from the decision of that court to the Sudder Dewanny Adawlut. If the collector shall represent that the produce of the estate for the year before mentioned exceeds or falls short of *one thousand sicca** rupees, and the defaulter should appear within the limited time, and in his answer to the charge object to the statement, the judge is to try the objections, and pass such decision upon them as may appear to him equitable. *If the cause should be afterwards brought before the Provincial Court of Appeal, and no objection be offered by either party to the decision of the Zillah Court, on the collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the Provincial Court is to try the objections, and pass such decision upon them as may appear to it equitable.* If an appeal from the decree of the *Provincial Court* should be presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal should depend upon the pro-

Collector how to proceed if the charge should be adjudged proved in the Zillah Court, and the Provincial Court of Appeal shall reverse the decision.

Rule for determining from what decrees of the *Provincial Courts of Appeal* passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

* Raised to 5,000 by Reg. V. 1798, and Sec. xxiv. Reg. VII. 1799.

duce of the estate for the year before mentioned, exceeding or falling short of *one thousand sicca* rupees, the Court of Sudder Dewanny Adawlut is to examine the decisions passed by the Dewanny Adawlut of the zillah *and the Provincial Court of Appeal* respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable. Decrees that may be passed under this section by the Dewanny Adawlut of any zillah, *or any Provincial Court of Appeal*, or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to Government, shall not be carried into execution in any case whatever, without an order from the Governor-General in Council confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of. It shall be at the option of the Governor-General in Council, within four weeks after the receipt of a decree adjudging the proprietary right of any defaulter in an estate forfeited, either to order the decree to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector of the zillah. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the defaulter. The process which a collector may institute against a defaulter in the Court of Dewanny Adawlut of the zillah under this section, as well as the prosecution or defence of any appeal from the decision of such court which may be preferred *to the Provincial Court of Appeal, or from the decree of the Provincial Court*, to the Sudder Dewanny Adawlut in which the collector may be appellant or respondent, is to be carried on at the public expense, and to be conducted by the vakeel of Government, whom the collector is to furnish with the necessary instructions.

Decrees passed under this section not to be carried into execution without the sanction of the Governor-General in Council.

If the estate is decreed forfeited, the Governor-General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if not ordered to be executed or commuted for a fine, within the time above mentioned.

Process and appeals instituted under this section to be conducted by the vakeel of Government on the part of the collector, and to be carried on at the public expense.

XVII.* If the defaulter mentioned in Section XVI. shall be allowed to retain the proprietary right in his estate, Government is to account to him for the amount received through the ameen; and if it shall exceed the public revenue that was due from the estate, the expenses attending the deputation of the ameens and the fine which may be imposed upon the defaulter, the overplus is to be returned to him. If the sum received through the ameen shall be inadequate to the payment of the several demands above mentioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.

Proceeds of the estate of the defaulter, whilst attached, to be accounted for to him, if the forfeiture should be commuted for a fine.

Portion of the defaulter's estate to be sold, if the proceeds should not be adequate to answer all demands against him, and he should not discharge them.

XVIII.* If the decree adjudging the proprietary right in the estate of the defaulter forfeited shall be confirmed under Section XVI., it shall be at the option of the Governor-General in Council, either to confer such

If the forfeiture should be confirmed, the Governor-General in Council to confer

* The provisions of Secs. xv. to xxi. are declared applicable to resistance of process issued under Reg. VII. 1799, by Sec. xxiv. of that Regulation.

right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the estate, and to pay the fixed revenue assessed upon it, or to dispose of it at public sale subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he is to be immediately released if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are be appropriated towards the discharge of the demands of Government, either on account of the public revenue, the expense of attending the deputation of the ameen, or other charges incurred in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of the sale, or if any such demand should be due and the proceeds shall exceed the amount of it, the whole of the proceeds in the first-mentioned case, and the overplus in the second, is to be carried to the public account, or applied in any other manner that the Governor-General in Council may direct.

the estate on the heirs of the defaulter, or dispose of it at public sale.

XIX.* If a collector shall issue the process prescribed in Section V. against any farmer of land, to convey him to gaol on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the collector who may issue the writing shall immediately represent the circumstances, through the vakeel of Government, to the Dewanny Adawlut of the zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the peons deputed to execute the process, or any two or more credible persons, making *oath* to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon *oath* to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court, within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the farm of the defaulter shall be in Bengal or Orissa, or in the Persian language and the Hindoostanee language and Nageree character, if it be situated in Behar, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, if it be within the limits of the zillah, or the principal cutcherry in the farm, and in the office of the collector and the court-room of the Dewanny Adawlut. The collector is to continue the ameen directed to be deputed in Section VI. to collect the rents and revenues of the farm of the defaulter, in the same manner as if the process issued under Section V. had been duly served and obeyed by him. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the collector

Collector how to proceed when a farmer refuses to obey or resists the process issued by him under Sec v., or escapes from the peons, or prevents the process being served upon him.

Judge, upon the charge appearing to him well founded,

to issue a publication, requiring the defaulter to deliver himself up to the court in four weeks.

See Act XXIX. 1837.

In what language the publication is to be written, and where and when it is to be fixed up.

Ameen directed to be deputed in Sec vi. to be continued.

Decree to be passed by the Zillah Court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself

* See note in preceding page.

up within the time, and the charge being proved against him.

may adduce in support of his representation, if it shall be proved, to the satisfaction of the court, that the defaulter is guilty of the charge, the court shall decree the lease of the farmer annulled from the expiration of the Bengal, Fussily, or Willaity year (according as the farm may be situated in Bengal, Behar, or Orissa) in which the decree may be passed.

Court to transmit the decree and proceedings to the Governor-General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the Zillah Court be confirmed, the Provincial Court to transmit a copy of the decree and proceedings to the Governor-General in Council, in the event of the defaulter not appealing in time to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the *Provincial Court.*

Collector how to proceed if the Zillah Court should adjudge the charge not proved.

If the defaulter shall not appeal to the *Provincial Court of Appeal* within the time limited for preferring appeals *to that court in Section XII. Regulation V.* 1793, *the court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the Provincial Court of Appeal within the prescribed time, and that court shall confirm the decision of the Zillah Court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X. Regulation VI.* 1793, *the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council.* If an appeal shall be received from the decision of the *Provincial Court of Appeal,* and the Sudder Dewanny Adawlut shall confirm the decree of the *Provincial Court,* they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal,* to the Governor-General in Council. If the judge of the *Zillah* Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in Section V. had been duly served upon him and he had obeyed it, and the collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it, or not, as may appear to them proper.

Rules for cases in which the Provincial Courts of Appeal may reverse such decisions of the Zillah Courts.

Rules for cases in which the charge may be adjudged proved in the Zillah Court, and the Provincial Court of Appeal shall reverse the decision.

If the board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the Provincial Court should reverse the decision of the Zillah Court and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and an appeal shall not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council. If the judge of the Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the collector is immediately to transmit a copy of the decrees and proceedings of the Zillah Court and the Provincial Court of Appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the *Provincial Court* and adjudge the lease annulled, the court are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal,* to the Governor-General in Council.

Rule for determining from what decrees of the *Provincial Courts of Appeal* passed under

That no doubt may be entertained from what decrees passed by the *Provincial Courts of Appeal* under this section an appeal shall be admitted to the Sudder Dewanny Adawlut, it is declared that an appeal

shall not lie to the last-mentioned court, unless the jumma paid or payable to Government by the defaulter, on account of the year in which the decree of the Zillah Court may be passed, shall exceed *one thousand sicca* rupees;* and the collector is enjoined to state generally, in the representation which he is above directed to make to the Zillah Court, whether the jumma paid or payable by the defaulter in such year exceeds or is less than *one thousand sicca* rupees,* but without specifying the exact amount of it; and the rules prescribed in Section XVI. regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the collectors are therein directed to present to the Zillah Court, are to be held applicable to the statement of the jumma payable by defaulting farmers, required to be submitted by the collectors in this section. Decrees that may be passed under this section by the Dewanny Adawlut of any zillah *or any Provincial Court of Appeal*, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution, in any case whatever, without an order from the Governor-General in Council confirming the decree. It shall be at the option of the Governor-General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed on the defaulter, the court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector of the zillah. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the annulling of the lease for a fine, the decree shall stand good against the defaulter. The process which a collector may institute in the Dewanny Adawlut of the zillah under this section, as well as any appeal that may be preferred from the decision of the Zillah Court *to the Provincial Court of Appeal, and from the decision of that court* to the Sudder Dewanny Adawlut in which the collector may be appellant or respondent, are to be defended or carried on at the public expense and by the vakeel of Government, whom the collector is to furnish with the necessary instructions.

this section an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees passed under this section not to be carried into execution without the sanction of the Governor-General in Council.

If the lease shall be judged annulled, the Governor-General in Council may confirm the decree, or commute the annulling of the lease for a fine, within four weeks after he may receive the decree.

If the decree shall be commuted for a fine, how it is to be levied.

Process and appeals under this section to be conducted by the vakeel of Government on the part of the collector and at the public expense.

XX.† If the lease of the defaulter mentioned in Section XIX. shall be annulled, he shall receive credit for the collections of the ameen, after deducting the charges incurred by his deputation which may be admitted; and if any balance shall then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his

Accounts with the defaulter how to be settled if the lease should be annulled.

Balance, if any due, to be levied from him and his surety.

* Raised to 5,000 by Reg. V. 1798, and Sec. xxiv. Reg. VII. 1799.

† The provisions of Secs. xv. to xxi. are declared applicable to resistance of process issued under Reg. VII. 1799, by Sec. xxiv. of that Regulation.

surety are to be held responsible for the payment of it, *and the collector is to serve the surety with the written demand prescribed in Section III. for the amount; and in the event of it not being discharged by the time limited in the writing*, the collector is to proceed against the surety, and the defaulter also, if he shall be forthcoming and should not have been previously confined, in the manner in which he is directed to proceed in Section[*s IV. and*] V. against defaulters who have not discharged a third part of the instalment of any one month by the fifteenth of the ensuing month. If there shall be a surplus after discharging all the demands above mentioned, it is to be paid to the defaulter. The defaulter shall be at liberty to prosecute in the Zillah Court the dependent talookdars, under-farmers, and ryots in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Surplus, if any, to be paid to the defaulter.

Defaulter to be at liberty to prosecute *dependent talookdars*, under-farmers and ryots, for arrears, in the Dewanny Adawlut of the zillah.

See Reg. VIII. 1831.

Collector how to proceed when sureties of proprietors or farmers of land refuse to obey or resist the process issued by him under Section v., or escape from the peons, or prevent the process being served upon them.

XXI.* If a collector shall issue the process prescribed in Section V. against the surety of any proprietor or farmer of land to convey him to gaol, and such defaulting surety shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house or in any building, or retire to any place, so that the process cannot be served upon him, the collector who may issue the process is immediately to represent the circumstances, through the vakeel of Government, to the Dewanny Adawlut of the zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the peons deputed to execute the process, or any two or more credible persons, making *oath* to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon *oath* to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the estate or farm on account of which the money may be due from the defaulter shall be in Bengal or Orissa, or in the Persian language, and the Hindostanee language and Nageree character, if it be situated in Behar, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, if it be within the limits of the zillah, and in the principal cutcherry in the estate or farm, the office of the collector, and the court-room of the Dewanny Adawlut. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court that the defaulter is guilty of the charge, the court shall adjudge him to pay a fine according to the nature of the offence and his situation

Judge, upon the charge appearing to him well founded,

to issue a publication, requiring the defaulter to deliver himself up to the court within four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

See Act XXIX. 1837.

Decree to be passed by the Zillah Court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time and the charge being proved against him.

* The provisions of Secs. xv. to xxi. are declared applicable to resistance of process issued under Reg. VII. 1799, by Sec. xxiv. of that Regulation.

and circumstances in life. *If the defaulter shall not appeal to the Provincial Court of Appeal within the time limited for preferring appeals to that court in Section XII. Regulation V.* 1793, *the court is immediately to transmit to the Governor-General in Council a copy of the decree and of all the proceedings respecting the charge. If the defaulter shall appeal to the Provincial Court of Appeal within the prescribed time, and that court should confirm the decision of the Zillah Court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X. Regulation VI.* 1793, *the Provincial Court of Appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the Zillah Court, to the Governor-General in Council.* If an appeal shall be received from the decision of the *Provincial Court of Appeal*, and the Sudder Dewanny Adawlut shall confirm the decree of the *Provincial Court*, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal*, to the Governor-General in Council. If the judge of the Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Section V. had been duly served upon him and he had obeyed it; and the collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it, or not, as may appear to them proper. If that board should order an appeal to be preferred, and it shall be lodged within the limited time, *and the Provincial Court of Appeal should reverse the decision of the Zillah Court and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it should be appealable, and an appeal shall not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings in the Zillah Court, to the Governor-General in Council. If the judge of the Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the collector is immediately to transmit a copy of the decrees and the proceedings of the Zillah Court and the Provincial Court of Appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper.* If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the *Provincial Court* and adjudge the defaulter to pay a fine, the court is immediately to transmit a copy of its decree and proceeding, and of the decrees and proceedings received from the *Provincial Court*, to the Governor-General in Council. And that no doubt may be entertained, from what decrees passed by the *Provincial Courts of Appeal*, under this section, an appeal shall lie to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last-mentioned court, unless the fine adjudged to be paid by the defaulter shall exceed *one thousand sicca** rupees. Decrees that may be passed under this section by the Dewanny Adawlut of any zillah *or any Provincial Court of Appeal* or by the Sudder Dewanny Adawlut, adjudging a fine to

Court to transmit the decree and proceedings to the Governor-General in Council if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal and the decision of the Zillah Court be confirmed, the Provincial Court to transmit a copy of the decree and proceedings to the Governor-General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut or the cause not being appealable

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the *Provincial Court*.

Collector how to proceed, if the Zillah Court should adjudge the charge not proved.

Rules for cases in which the Provincial Court of Appeal may reverse such decisions of the Zillah Courts.

Rules for cases in which the charge may be adjudged proved in the Zillah Court, and the Provincial Court of Appeal shall reverse the decision.

Sudder Adawlut how to proceed, in the event of its reversing such decision of the *Provincial Court*.

Rule for determining from what decrees of the *Provincial Courts* of Appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees passed under this section, not to be carried into execution

* Raised to 5,000 by Reg. V. 1798, and Sec. xxiv Reg. VII. 1799.

without the sanction of the Governor-General in Council.

Option reserved to the Governor-General in Council of confirming or alleviating the fine, within four weeks after the decree may be received by him.

If the fine shall be confirmed or alleviated, by what court and how it is to be levied.

be paid by a surety, are not to be carried into execution, in any case whatever, without an order from the Governor-General in Council confirming the decree. It shall be at the option of the Governor-General in Council within four weeks after the decree may be received by him, either to order the decree to be executed or to alleviate the fine. The court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it by the same process by which it is directed to enforce decrees of the court, and to pay the amount to the collector of the zillah. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or alleviate the fine, the decree shall stand good against the defaulter; and the court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving directions for that purpose, is to levy the amount of the fine in the manner above prescribed. The process which the collector may institute in the Dewanny Adawlut of the zillah under this section, as well the appeals that may be preferred from the Zillah Court to the *Provincial Court of Appeal, and from the decision of that court to the* Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, are to be defended or carried on by the vakeel of Government and at the public expense.

Process and appeals instituted under this section, to be conducted by the vakeel of Government on the part of the collector, and to be carried on at the public expense.

XXII. [Time when defaulter's lands may be ordered for sale—how defaulter may stay the sale.]—*Rescinded by Section XI. Regulation III.* 1794.

Collectors how to proceed, if an arrear of revenue shall be due from a farmer of land at the close of the year, whether he be confined or not.

XXIII. If a farmer of land shall be confined in gaol by the collector, under the powers vested in him by Section[*s IV. and*] V. and the ameen shall not, by the close of the year, have realized from the farm a sum sufficient for the liquidation of the balance due to Government, and all the admitted charges incurred in consequence of his deputation, or if any balance shall remain due at the close of the year from any farmer who may not be in confinement, the collector is to demand the payment of it from the surety, and also from the defaulter; and in the event of it not being discharged by the period by which it may be required to be liquidated in the written demand that is to be served upon the surety, the collector is to proceed against the defaulter (if he shall not have been previously confined for the demand) and his surety, in the manner in which he is directed in Section[*s IV. and*] V. to proceed against defaulters who may not have discharged a third part of the instalment of any one month by the fifteenth of the ensuing month; and it shall be optional in the Governor-General in Council either to cancel the lease from the commencement of the year following the year for which the balances on account of which the defaulter and his surety may be confined, or to compel them to perform the conditions of the lease until the term of it shall expire. If the Governor-General in Council shall annul the lease, the defaulter is to be at liberty to prosecute the dependent talookdars, under-farmers, or ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Substitute Cl. 2, and see Cl. 7, Sec. xxiii. Reg VII. 1799.

Modified by Cl. 2, Sec. ii. Reg. XI. 1822.

See Cl. 6, Sec. XIII. Reg. VII. 1799, and Cl. 2, Sec. II. Reg. XI. 1822.

Collector to attach lands of sureties, whom he may proceed to confine, sufficient to answer the demand against them.

XXIV. When a collector shall proceed to confine the surety of any proprietor or farmer of land in the cases authorized in this Regulation, he is immediately to cause such portion of the defaulter's lands as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached, under the rules prescribed in Section VI. for the attachment of the lands of defaulting proprietors. If the surety shall not possess any landed property in his zillah, the collector is to depute an ameen into the zillah in which the defaulter may have landed property, with a letter stating the amount of the demand on him and the property to be attached. The collector of such zillah is immediately to order a peon to point out the property to the ameen, who is to keep it in attachment until the Board of Revenue shall *have obtained the* sanction *of the Governor-General in Council for* the sale of it. The ameen is to apply the amount of the collections from the lands, after deducting the expenses of his establishment, towards the discharge of the public revenue, which he is to pay to the collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made. If the property of the surety that may be attached shall be too inconsiderable to admit of its being charged with the expense of an ameen, the collector to whom the money due from the surety may be payable is to apply to the collector of the zillah in which the lands may be situated to order the nearest tehseeldar or native officer employed under him in the business of the collections to take charge of the lands, and the collector to whom the application shall be made is to comply with it, and the tehseeldar or native officer to whose charge he may commit the lands is to perform the duties prescribed to the ameen in Section VI. and under the same restrictions and penalties. The collector of the zillah in which the lands may be situated is not to be liable to any prosecution on account of the attachment; but the collector, in conformity to whose application the attachment may take place, is to be responsible for the consequences, in the same manner as if the lands had been situated in his own zillah.

How the collector is to proceed if the surety possesses no lands in his zillah.

Superseded by Sec. XXX. Reg. VII. 1799.

Superseded by Sec. XXX. Reg. VII. 1799.

The Board of Revenue are to apply to the Governor-General in Council for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached, or after the close of it, as they may deem advisable.

Board of Revenue to apply for permission to sell the lands of the surety.

XXV. to XXVIII.—[Process of attachment and sale.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

Judges empowered to require collectors to show cause why a defaulter is continued in confinement under a judicial decree, and how to proceed in such cases.

XXIX. Any person confined for of revenue, or other demands of Government, under this Regulation, either pursuant to a judicial decree or without such decree, is to be at liberty to apply to the judge of the Court of Dewanny Adawlut of the zillah, by the Collector of which he may have been confined, to require such collector to show cause why he is continued in confinement. If the person making such application shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the Zillah Court or the *Provincial Court of Appeal*, and the time prescribed for appealing from the decision shall have elapsed, the judge is not to enter into the merits of the case, but only to inquire whether the prisoner

has discharged the amount of the decree and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the collectors are empowered by this Regulation to issue for conveying persons to gaol for claims of Government, and he shall dispute the justness of the demand, the judge is not to inquire into the merits of the case, but is to leave the prisoner to prosecute the collector under Section XII., which is hereby extended to demands on sureties and purchasers of land, as far as it can be applied to them. If, however, the prisoner shall admit the justness of the demand for which he was confined, as well as any other claims that may be made upon him, for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, the judge is to proceed to inquire whether the prisoner has actually paid such sums or not. Upon examination of the prisoner's accounts of his payments (which examination is to be considered as a continuation of the original suit or process, and not as a new suit or process), if it shall appear to the judge that the demands for which he may be in confinement have been liquidated, he is to release him, upon his giving security to make good any sum which the collector may state to be still due from him, in the event of the cause being appealed, and the sum being awarded in favour of Government. If the collector shall not object to the adjustment of accounts made by the court, or if he shall object to them and the person confined shall omit to give the security above required, and the collector shall not appeal within the time limited for preferring appeals, the judge is to release the prisoner without taking any security. If it shall be found that the whole, or a part of the sum for which such person may be in confinement, remains undischarged, and he shall acquiesce in the adjustment of accounts made by the court, and shall have been confined on account of such demand for a term exceeding one year, the judge is empowered to release him, upon his giving good security to pay the sum remaining due from him, by instalments, during the course of one year after his release. The collector and the prisoner are to be allowed to appeal from the decision which may be passed by the court under this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals prescribed in Regulations V. and VI. 1793. The rules prescribed to collectors in Section XXX. regarding the decisions therein specified are to be considered applicable to all decisions passed under this section.

Rule applied, where a person is confined without a judicial decree

Collector how to proceed, in case of his being cast in a prosecution instituted against him in the Zillah Court on account of sums demanded or received by him as arrears of revenue.

XXX. Upon a decision being passed in the Dewanny Adawlut of any zillah by which the whole, or any part of a sum of money that may have been demanded, or actually received by a collector, as an arrear of revenue under this Regulation, from any proprietor or farmer of land, shall be adjudged not to be due, the collector is to apply immediately to the court, through his vakeel, for a copy of the proceedings and decree. The court is to order copies of the proceedings and decree to be delivered to the collector with all practicable despatch. The collector is to forward the papers, without delay, to the Board of Revenue, with a letter stating his objections to the decree. *If the board shall be of opinion that the decision is not well founded, they are to authorize the collector to appeal the cause to the Provincial Court of Appeal. If that court shall confirm the decision*

See Sec. ix. Reg. II. 1805.

of the Zillah Court, the collector is to apply for, and the court is to grant a copy of their proceedings and decree in appeal, exclusive of the decree and proceedings received from the Zillah Court. The collector is to forward the decree and proceedings of the Provincial Court to the Board of Revenue, with a letter containing his objections to the decree of that court. If the Board shall be dissatisfied with the decision of the *Provincial Court of Appeal and the cause shall be appealable to the Sudder Dewanny Adawlut,* they are to direct the collector to prefer an appeal to that court: if the Board of Revenue are satisfied with the decision of the *Provincial Court of Appeal,* they are to direct the collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in which the Board of Revenue may order the collector to prefer an appeal to the *Provincial Court,* the collector is to be indemnified by Government for all costs and damages that may have been awarded against him by the Zillah Court. On the other hand, if the Board of Revenue shall deem the decision of the Zillah Court equitable, and not direct an appeal, the collector is to defray all the costs and damages that may have been awarded against him in that court. The collector is, nevertheless, to be at liberty to appeal the cause; but at the risk of paying all costs and damages that may be adjudged against him in appeal, in the event of his being ultimately cast. Appeals in which the collectors may be engaged, *either* in *the Provincial Court of Appeal or* the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the vakeel of Government and at the public expense.

Collectors to be indemnified for all expenses incurred in suits in the Zillah Court, from the decision on which the Board of Revenue may direct an appeal.

XXXI. If a collector shall be prosecuted under Sections [*IX. X.*] XII. [*XIV. XXII.*] or XXIX., and the prosecutor shall be cast, or be dissatisfied with the decision of the judge of the Dewanny Adawlut of the zillah, *and appeal to the Provincial Court of Appeal, the collector is to appoint one of the vakeels of the court to plead the cause. If the decree of the Zillah Court shall be confirmed, or the appellant should be dissatisfied with the decision of the Provincial Court of Appeal* and appeal to the Sudder Dewanny Adawlut, and an appeal should be admitted, the collector is to appoint one of the pleaders in that court to defend the suit. If the *Provincial Court of Appeal shall not confirm the decision of the Zillah Court, the collector is to apply to the Provincial Court for a copy of the proceedings and decreee of the Zillah Court, and of their proceedings and decree in the appeal. The courts are to furnish the collector with these papers with all practicable dispatch, and the collector is to forward them to the Board of Revenue, with a letter stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the Provincial Court is not well founded, they are to authorize the collector to appeal to the Sudder Dewanny Adawlut.* If the Board shall see no ground for appealing from the decision of the *Provincial Court of Appeal,* the collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expenses which may be awarded against him by that court, in the event of his being cast. All appeals that may be preferred by the collector *to the Provincial Court of Appeal, or* to the Sudder Dewanny Adawlut, or in which he may be respondent, under this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expense, and conducted by the

If persons prosecuting under Sections *ix. x.* xii. *xiv. xxii.* or xxix. shall be cast and appeal, *the collector is to nominate one of the vakeels of the Provincial Court of Appeal to defend the appeal.*

If the decision of the Zillah Court should be confirmed, and the cause be appealed to the Sudder Dewanny Adawlut, and an appeal be admitted, the collector is to appoint one of the vakeels of that court to defend the appeal.

Collector how to proceed, if the Provincial Court should not confirm the decision of the Zillah Court.

Board of Revenue to order the collector to appeal, if they think the decision of the Provincial Court not well founded.

If the Board of Revenue shall not direct an appeal, the collector is to be at liberty to appeal, but at his own risk.

All appeals preferred by the collector under this section, agreeably

to the orders of the Board of Revenue, to be carried on by the vakeel of Government and at the public expense.

vakeel of Government, who is to be furnished with the necessary instructions for that purpose by the Collector.

Collectors to appoint vakeels of the Zillah Court to defend suits preferred against them under this Regulation, and to nominate vakeels of the Courts of Appeal to carry on appeals which they may have preferred without the orders of the Board of Revenue.

XXXII. In every case in which a collector may be prosecuted in the Dewanny Adawlut of the zillah under this Regulation, for sums demanded or received by him on behalf of Government from any proprietor or farmer of land, or from any surety, or from any purchaser of land; or for any sums demanded or received, or taken by him, directly or indirectly, for his own use, from any of the above-mentioned descriptions of persons, over and above what he may be entitled to demand on behalf of the public, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and in appeals that he may have preferred without the orders of the Board of Revenue, he is to appoint any of the authorized vakeels of the court before which the suit may be brought to plead the cause. See Reg. II. 1814.

What suits instituted against a collector under this section, are to be considered of a personal and private nature, and how he is to defend them.

XXXIII. In prosecutions that may be instituted in the Dewanny Adawlut of any zillah against the collector of the zillah, for sums of money demanded, or directly or indirectly received or taken by him for his own use, from any proprietor or farmer of land, or any surety, or any purchaser of land; or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demanded by him on behalf of Government, in conformity to this Regulation (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this Regulation), the collector is not to forward the proceedings and decree to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature between the collector and the prosecutor, and the collector is to defend it at his own risk and expense, in the same manner as individuals amenable to the courts, and not employed by Government, are required to defend suits instituted against them.

Collectors not to derive any pecuniary advantage from suits in which they may be engaged, except in the cases specified in Section xxxiii.

Nor to suffer any loss if their conduct is determined to be conformable to the Regulations.

Collectors to bring to account all costs and damages that may be adjudged to them, with the exception above specified.

Collectors to issue from the public treasury, and to insert at the foot of their accounts, the expenses of suits that are at all events to be defrayed by Government, as well as the expenses of suits

XXXIV. The collectors are not to derive any pecuniary advantage whatever from suits that they may institute, or which may be preferred against them in any of the courts of justice in their official capacity; with the exception of suits in which they may be engaged under Section XXXIII. the sums awarded to them in which they are to apply to their own use. On the other hand, it is not intended that the collectors should sustain any loss in levying the dues of Government, in cases in which their conduct may be adjudged by a final judicial decree to be conformable to this Regulation. The collectors are accordingly to bring to the credit of Government, in their monthly accounts, all sums whatever (with the exception above specified) that may be adjudged to them as costs or damages by any of the courts of civil justice; and they are to insert at the foot of their monthly accounts, or in a separate account, or in their monthly accounts under a distinct head, according as the Board of Revenue may deem advisable, all sums which they may disburse, in conformity to this Regulation, on account of process or suits directed to be carried on by the vakeel of Government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits the costs and damages in

which may be ultimately defrayable by Government, but for which the collectors are directed to be held responsible in the first instance. But they are, in no case, to charge these disbursements in their accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the collectors are to be held answerable for the disbursements.

that may be ultimately defrayable by Government, but not to insert such expenses in their accounts without the sanction of the Board of Revenue.

XXXV. If a collector shall have been compelled to pay costs or damages in any suit under this Regulation, and upon his stating the case to the Board of Revenue it shall appear to them, upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the board are to transmit the case to the Governor-General in Council, who will determine whether the collector shall be made responsible for such costs or damages or not.

Board of Revenue to report to the Governor-General in Council any cases in which a collector may have been compelled to pay costs or damages, and for which they may be of opinion he ought not to be made responsible.

XXXVI. Security is not to be demanded from the collectors for their personal appearance, in any suit in which they may be engaged under this Regulation; nor shall any security be required from them for the payment of costs, or for the performance of the decrees or orders of the court, in suits which are directed by this Regulation to be carried on by the vakeel of Government and at the public expense. In suits for sums demanded or received by the collector on behalf of Government, for the costs and damages in which he is declared eventually responsible, the courts are to require the same security from the collector for the payment of the costs and damages, as would be taken in similar cases from individual suitors; but they are not to require any security from him for the performance of their decrees respecting the sums which may constitute the subject of the suits, as Government will be answerable for the due performance of them. In the suits described in Section XXXIII. which may be instituted against the collector, he is to give the same security for the payment of the costs, and the performance of the decrees and orders of the courts, as would be required from individual suitors in similar cases. If a collector shall refuse or omit to pay, within the limited period, any sum of money that may be ordered to be levied from him, either on account of the suits described in Section XXXIII. or as costs or damages in any other suits, for the expenses incurred in which he is declared eventually responsible, the court is to levy the amount from his surety by the customary process. If the court shall not be able to obtain payment from his surety, the judge is to report the circumstances to the Governor-General in Council, who will order the amount to be paid from the public treasury, and deduct it from the allowances which may be receivable by the collector from Government. In all other cases, if a collector shall omit or refuse to obey any order or decree of a court of judicature, the court from which the process shall have issued is to fine him according to the nature of the offence. In the event of the collector refusing or omitting to pay the fine, the court is to report the circumstances to the Governor-General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such collector from Government.

Cases in which security is to be demanded from collectors for costs or damages, or for the performance of decrees of the court.

Courts how to proceed, in the event of a collector omitting or refusing to obey any order or decree.

XXXVII. The Board of Revenue are to issue such instructions as they

Board of Revenue to

issue instructions to the collectors, regarding the mode of inserting or noting in their accounts their receipts and disbursements in the suits herein mentioned, and to require such vouchers for the sums as they may think proper.

may think advisable to the collectors, regarding the mode of inserting in their monthly accounts the sums which may be paid to them as costs and damages, in consequence of the orders or decrees of any of the Courts of Civil Judicature, or noting at the foot of their accounts, or charging under a separate head in their monthly accounts, the sums which they may disburse as costs or damages which are expressly directed to be defrayed by Government, whatever may be the final decision in the cause, or that may be ultimately defrayable by Government, although in the first instance the collectors are to be held responsible for them; and to require such vouchers as they may deem necessary for such receipts and disbursements, as well as for the sums which the courts may adjudge to be repaid from the public treasury, or not to be due to the public.

Process issued against collectors under this Regulation, how to be served.

XXXVIII. When any process or order shall be issued by any of the courts of civil judicature to the collector of a zillah, in suits instituted under this Regulation, the register* of the court immediately serving the process or order is to transmit it under a cover sealed in the form of a letter, and superscribed with his name and official appellation, and addressed to the collector. The collector is to acknowledge the receipt of the process or order, on the day on which he may receive it, by a letter addressed to the register of the court by which it may have been served.

Collectors allowed to forward instructions to their vakeels in the Courts of Appeal, by the dawk, free of postage.

Instructions to be sealed and enclosed under a sealed cover addressed to the register of the court.

Persons removed from the office of collector, and having suits depending in the Zillah Court, empowered to forward instructions to their vakeels by the public dawk and through the register of the court.

Vakeels in any of the courts employed by collectors under this Regulation, empowered to forward papers to their constituents free of postage, through the register of the court in which the cause may be depending.

XXXIX. To facilitate the communication between the collectors and the vakeels in the *Provincial Courts of Appeal and the* Sudder Dewanny Adawlut, who may be entrusted with the conduct of any appeals (including appeals from decisions in the suits described in Section XXXIII.), in which they may be engaged under this Regulation, either whilst they may continue in the office of collector of the zillah in which such suits may have arisen, or after their removal from the office, the collectors are permitted to forward, free of postage, any instructions which they may have to transmit to the vakeels of such courts. The instructions are to be enclosed under a cover, sealed and directed to the vakeel. The instructions, so sealed and directed, are to be transmitted, under a sealed cover, addressed to the register* of the court in which the cause may be depending, and superscribed with the name and official appellation of the person dispatching it. The register* of the court, immediately upon receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed. Any person who may be removed from the office of collector of a zillah, and may have suits depending in the Dewanny Adawlut of such zillah after his removal from the office, is likewise empowered to forward instructions to his vakeel through *the register* of* the court. In like manner, the vakeels in any of the courts to whom the pleading of suits may be committed under this Regulation by persons holding the office of collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers by the public dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the vakeel, and the register* of the court is to transmit the papers, so sealed, in a cover addressed to the person to whom they are to be forwarded, and superscribe the cover with his official signature.

* The office of register, except of the Sudder Adawlut, has been abolished.

See Sec. viii. Reg. III. 1794, and Cl. 6, Sec. v. Act I. 1845.

Sums advanced as tuccavy or poolbundy, &c. to be recovered under this Regulation, in the same manner as arrears of revenue.

XL. Arrears of tuccavy, or any money advanced by Government to proprietors or farmers of land, for making or repairing embankments, reservoirs, or water-courses, or other improvements to their estates or farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions, as far as they may be applicable.

Collectors not to be liable to prosecution for the acts of their predecessors.

What suits persons removed from the office of collector are bound to prosecute or defend after their removal.

XLI. No collector is to be liable to prosecution for any official acts of his predecessor: but persons who may be removed from the office of collector of the revenue of a zillah are to carry on, in the same manner as if they had continued in the office, all suits of the nature of those described in Section XXXIII. in which they may be engaged, and all suits preferred against them in the Zillah Courts, for sums that they may have demanded or received on behalf of Government, and for the costs and damages in which they are declared eventually answerable, as well as all suits, being appeals from decisions in suits of the last-mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party, in consequence of orders from the Board of Revenue.

Collectors to carry on the unfinished suits and process herein specified, which may have been instituted under their predecessors.

XLII. If the collector of a zillah shall die or be removed from his office, his successor is to carry on all unfinished process or suits in the Court of Dewanny Adawlut of such zillah, directed by this Regulation to be conducted by the vakeel of Government and at the public expense; and all appeals from the decrees of the Zillah Court *or the Provincial Court of Appeal*, in such cases, as also all appeals from the decrees of the Zillah Court *or the Provincial Court of Appeal*, in which the former collector may have been engaged, in consequence of orders from the Board of Revenue, and which are ordered to be pleaded by the vakeel of Government and at the public expense.

Cases in which the Board of Revenue are to take upon themselves the prosecution or defence of appeals in the Sudder Dewanny Adawlut.

XLIII. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor-General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any appeal in the Sudder Dewanny Adawlut, which a collector may prefer or be engaged in, pursuant to their orders, instead of leaving the superintendence of the appeal to him.

If the proceeds of the sale of the malguzarry lands of any defaulter are not equal to the demand against him, his other property to be sold to make good the deficiency.

Attachment superseded by Cl. 2, Sec. ii. Reg. XI. 1822.

Expenses attending the attachment of property ordered to be sold, but the sale of which may be countermanded, to be defrayed by the proprietor.

XLIV. If the lands subject to the payment of revenue to Government, belonging to any defaulting proprietor or farmer of land, or any surety or purchaser of land, which may be sold under this Regulation, shall not produce a sum sufficient for the liquidation of the public demand, any other real or personal property which the defaulter may possess is to be *attached and* sold to make good the deficiency, under the same rules as his lands subject to the payment of revenue to Government are directed to be sold, as far as those rules may be applicable to such property. And if any property shall be *attached and* ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or other cause, he is nevertheless to be held responsible for all expenses that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place; and in the event of his omitting to discharge the amount, it is to

be levied by the same process as the demand for which the property originally ordered to be sold may have been directed to be levied.

How the process in Section v. is to be served on defaulters being or residing in the cities of Patna, *Dacca*, Moorshedabad, or Calcutta.

See Cl. 2, Sec. xxiii. Reg. VII. 1799.

XLV. If any proprietor or farmer of land, against whom the collector may issue the process specified in Section V. shall be or reside in either of the cities of Patna, *Dacca*, or Moorshedabad, the collector is to order the two peons whom he may charge with the writing for the apprehension of the defaulter, to proceed to the judge of such city, who is to order a peon to accompany them, to point out the place of residence of the defaulter. The two peons are to take the defaulter into custody, and convey him to the gaol of the Dewanny Adawlut of the city in which they may so apprehend him. The remainder of Section V. with regard to cases in which defaulters shall not reside or be within the limits of the zillah, wherein the lands on account of which the arrears may be due shall be situated, is to be considered equally applicable, as if the defaulter had been apprehended in any zillah instead of in such city. If any defaulter of either of the descriptions before mentioned in this section shall be or reside within the limits of the town of Calcutta, the collector is to forward the written demand for the amount claimed from the defaulter to the Board of Revenue, who are to submit it to the Governor-General in Council. Upon the receipt of the writing, the Governor-General in Council will either order the defaulter to be apprehended and conveyed to the gaol of the Dewanny Adawlut of the zillah, from the collector of which the written demand may have issued, or adopt such other measures as may appear to him proper. If the Governor-General in Council shall cause the defaulter to be apprehended and conveyed to the gaol of the Dewanny Adawlut of the zillah above mentioned, he is thenceforward to be considered exactly in the same predicament as if he had been apprehended within the limits of such zillah, and conveyed to gaol by the collector of it under Section V.

Zillah Courts how to proceed, in cases in which persons may dispute the validity of the engagements under which demands may be made upon them by the collectors, or have any objections to make to the engagements, either wholly or partially, under the Regulations, or deem themselves aggrieved by acts done by the collector, in conformity to special orders from the Governor-General in Council or the Board of Revenue.

XLVI. If a proprietor or farmer of land, or a surety or a purchaser of land, shall deem himself aggrieved under this Regulation, by any act which may be done by a collector, in conformity to special orders from the Governor-General in Council or the Board of Revenue; or if a collector shall demand a sum of money, under this Regulation, on behalf of Government, from any of the above-mentioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations under which the collector may make the demand, but deny their validity, or have any objections to make to them, either wholly or in part, under any Regulations passed by the Governor-General in Council, the collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements or stipulations, which are to be held valid, until they are set aside or altered by a final judicial decision; and the proprietor or farmer of land, or surety or purchaser of land, is to discharge the demands that may be made upon him by the collector under such engagements or stipulations, until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor or farmer of land, or the surety or purchaser, is to present a petition to the judge of the Dewanny Adawlut of the zillah in

Modified by Reg. II. 1814, and Sec. v. Reg. XIII. 1829.

which the cause may be cognizable, stating his objections to the act, or to the engagements or stipulations, and praying that the Governor-General in Council will order the Dewanny Adawlut of the zillah to try the points or matters contested under the Regulations. The judge to whom the petition may be presented is to forward it immediately to the Governor-General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable to proceed to the trial of it. If the Governor-General in Council shall order the cause to be tried, the judge of the court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The collector of the zillah is to carry on, under the orders of the Board of Revenue, all suits that may be instituted against Government in conformity to this section, and to issue the necessary instructions to the vakeel of Government in the Zillah Court, and in the *Provincial Court of Appeal or* Sudder Dewanny Adawlut, should the cause be appealed *to the former or both of those courts.* In the event of Government being cast in the Zillah Court or in the *Provincial Court of Appeal,* the collector is to send copies of the decree and proceedings of the court (which are to be delivered by the court to the collector, as soon as may be practicable upon his applying for them), with a letter stating his objections to the decision, to the Board of Revenue, who are to submit them, with their opinion on the case, to the Governor-General in Council, who will order an appeal to be preferred from the decision, or not, as he may deem advisable. All costs and damages that may be awarded against Government in suits instituted under this section are to be defrayed from the public treasury.

Modified by Reg 11. 1814, and Sec. v. Reg. XIII. 1829.

XLVII. The rules respecting collectors contained in this Regulation, are to be considered equally applicable to the assistants of collectors, or other persons who may be appointed by the Governor-General in Council to officiate as collector of any zillah, during the temporary absence of the collector, or whilst the office may be vacant.

Rules in this Regulation regarding collectors to be held applicable to acting collectors.

Superseded by Secs. ii. and iii. Reg. XVII. 1805.

XLVIII. No part of this Regulation is to be construed to authorize *the confinement of the person of any joint proprietor of an estate committed to the charge of a manager under Sections XXIII. XXIV. XXV.* XXVI. *Regulation VIII.* 1793. *Nor* the confinement of the persons, or the sale of the lands of disqualified proprietors, whose estates may be entrusted to a manager under Regulation X. 1793, for arrears of public revenue incurred whilst their respective estates were under the charge of managers, in conformity to the rules contained in the two Regulations above mentioned. Nor to empower the collectors to take a female proprietor of land into custody, or order any such proprietor to attend them in person, under any pretext whatever. Nor to take into custody, or require the personal attendance of any proprietor of land, with whom a settlement has been or may be concluded, or any farmer of land or his surety, except in the cases specified in this Regulation, in which they are expressly authorized to issue process against their persons. Arrears of revenue that

See Sec. xxvii. Reg. VII. 1799.

See Act XX. 1848.

Joint proprietors of estates committed to the charge of a manager, not to be confined under this Regulation for demands of Government.

Lands of disqualified proprietors committed to the charge of a manager, not to be sold for demands of Government, nor their persons to be confined, under this Regulation.

Female proprietors not to be confined, or required to attend in person, in any case whatever.

Other proprietors and farmers of land not to be taken into custody,

or required to attend in person, except in the cases herein mentioned.

Demands of Government due from female proprietors, exempted from the operation of Regulation X. 1793, and from proprietors of joint undivided estates, under charge of a manager, how to be recovered.

may become due from female proprietors of entire estates, who may be exempted from the operation of Regulation X. 1793, and acknowledged as the ostensible managers of their own lands, and from proprietors of joint undivided estates committed to the charge of a manager, in conformity to Section[s *XXIII. XXIV. XXV.*] XXVI. Regulation VIII. 1793, are to be recovered by the sale of their lands, or any other property which they may possess.

See Reg. XVII. 1805.

Reg. XV. 1793.

A.D. 1793. REGULATION XV.

A Regulation *for fixing the Rates of Interest on past and future Loans:* Passed *by the Governor-General in Council on the* 1*st May*, 1793.

I. The late Regulations regarding interest on past and future loans, not providing for cases in which a higher interest than the general legal rates is allowed to be taken, the following rules, containing provisions for such cases, and including the above-mentioned Regulations with modifications, have been enacted.

Rates of interest to be decreed, where the cause of action shall have arisen before the 28th March, 1780, and

may not exceed one hundred *sicca* rupees, or

may exceed that sum.

II. *First.* If the cause of action shall have arisen before the twenty-eighth day of March, one thousand seven hundred and eighty, the courts of civil judicature are not to decree higher or lower rates of interest than the following:—

Second. On sums not exceeding one hundred *sicca* rupees, three rupees and two annas per cent. per mensem, or thirty-seven rupees and eight annas per cent. per annum.

Third. On sums exceeding one hundred *sicca* rupees, two per cent. per mensem, or twenty-four cent. per annum.

Rates of interest to be decreed, where the cause of action shall have arisen between the 28th March, 1780, and the 1st January, 1793, and

may not exceed one hundred *sicca* rupees, or

may exceed that sum.

III. *First.* If the cause of action shall shall have arisen at any period between the twenty-eighth day of March, one thousand seven hundred and eighty, and the first day of January, one thousand seven hundred and ninety-three, no higher or lower rates of interest than the following are to be decreed:—

Second. On sums not exceeding one hundred *sicca* rupees, two per cent. per mensem, or twenty-four per cent. per annum.

Third. On sums exceeding one hundred *sicca* rupees, one per cent. per mensem, or twelve per cent. per annum.

Twelve per cent. to be decreed, if the cause of action shall have arisen after the 1st of January, 1793.

IV. If the cause of action shall have arisen on or after the first day of January, one thousand seven hundred and ninety-three, the courts are not to decree any interest on any sum whatever, above the rate of twelve per cent. per annum.

Lower rates of interest than those authorized in Sections ii. iii.

V. If in any of the cases specified in Sections II. III. and IV. a lower rate of interest than any of the rates therein authorized to be awarded

shall have been stipulated between the parties, no higher rate of interest than the rate so stipulated is to be decreed.

and iv. to be decreed, if stipulated between the parties.

VI. If the interest on any debt, calculating according to the rates allowed by this Regulation, shall have accumulated so as to exceed the principal, the courts are not, in any case whatever (excepting the cases specified in Section XII.), to decree a greater sum for interest than the amount of such principal.

Courts not to decree a greater sum for interest than the amount of the principal in any case.
Exception.

See Act XXXII. 1839.

VII. The courts are not to decree any compound interest arising from intermediate adjustments of accounts. This rule, however, is not to extend to cases in which accounts between the parties shall have been adjusted, and the former bonds or agreements cancelled, and new bonds or agreements taken for the aggregate amount of the principal, and the legal interest remaining due upon the adjustment consolidated into principal.

Compound interest on intermediate adjustments of accounts not to be allowed.
To what cases this rule is not to extend.

VIII. The courts are not to decree any interest whatever, in any case where the bond or instrument given for the security and evidence of the debt shall have been granted on or subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, and shall specify a higher rate of interest than is authorized by this Regulation to have been given and received subsequent to that date.

Cases in which the interest on bonds or instruments, executed on or subsequent to the 28th March, 1780, is to be forfeited.

IX. Nor to decree any interest whatsoever in favour of the plaintiff, in any case where the cause of action shall have arisen on or subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, where a greater interest than is authorized by this Regulation shall have been received, or stipulated to be received, if it be proved that any attempt has been made to elude the rules prescribed in it, by any deduction from the loan, or by any device or means whatever; nor to give any other judgment, but for the dismission of the suit with costs to be paid by the plaintiff.

Suit to be dismissed with costs, where the cause of action shall have arisen on or subsequent to the 28th March, 1780, if any attempt is made to evade this Regulation.

See Sec. iii. Reg. I. 1798.

X. In cases of mortgages of real property, executed prior to the twenty-eighth day of March, one thousand seven hundred and eighty, in which the mortgagee may have had the usufruct of the mortgaged property, whether he shall have held it in his own possession or not, the usufruct is to be allowed to the mortgagee in lieu of interest, agreeably to the former custom of the country (provided it shall have been so stipulated between the parties), until the above-mentioned date, subsequent to which the same interest is to be allowed on such mortgage-bonds, and also on all bonds for the mortgage of real property, which have been entered into on or since that date, or that may be hereafter executed, as is allowed on other bonds which have been or may be granted on or posterior to such date, and no more; and all such mortgages are to be considered as virtually and in effect cancelled and redeemed, whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, or otherwise liquidated by the mortgagor.

What interest is to be allowed on mortgage-bonds for real property, executed prior, on, or subsequent to the 28th March, 1780.

Mortgagee to deliver in true accounts of his receipts and expenditures.

XI. For the adjustment of the accounts, in the cases of mortgages specified in Section X. where the mortgagee shall have had the usufruct of the mortgaged property, the mortgagee is to be required to deliver in the accounts of his gross receipts from the property mortgaged, and also of his expenditures for the management or preservation of it. The mortgagee is to swear, or (if he be of the description of persons whom the courts are empowered to exempt from taking oaths) to subscribe a solemn declaration that the accounts which he may deliver in are true and authentic. The mortgagor is to be permitted to examine the accounts, and after hearing any objections he may have to offer, or any evidence that either party may have to adduce respecting them, the court is to adjust the account. See Act V. 1840.

Rules in the preceding sections not to extend to respondentia loans or policies of insurance.

XII. The rules contained in the preceding sections are not to be considered to extend to respondentia loans or policies of insurance, the interest on which is to be regulated by the terms of the deeds, and the laws and usages which prevail respecting such transactions.

Reg. XVI. 1793.

A.D. 1793. REGULATION XVI.*

A Regulation *for referring Suits to Arbitration, and submitting certain Cases to the Decision of the Nazim:* Passed *by the Governor-General in Council, on the* 1*st May*, 1793.

I. The Regulations for the administration of justice passed on the 27th of June, 1787, empowered the courts to refer certain suits to the decision of one person, without the consent of either of the parties. This rule deprived the parties in such suits of the benefit of having their claims tried by the regular tribunals, and was further inexpedient, as it vested in the judges a discretionary power of committing the administration of the laws to any persons (with certain exceptions) whom they thought proper. In cases in which suits were referred to arbitration with the consent of the parties, no provisions were made in those Regulations for determining differences of opinion that might arise between the arbitrators, or for completing the award in the event of their not delivering it by the limited period. The awards in suits referred to arbitration were consequently often protracted from disagreements between the arbitrators, or other causes, and the suits were frequently brought again before the courts for decision. These defects in the Regulations were productive of much inconvenience and expense to the parties, and the good effects intended

* The provisions of this Regulation are rendered applicable to suits respecting rights in land by Regulation VI. 1813, and courts were empowered to permit their vakeels to be arbitrators by Sec. xix. Reg. XXVII. 1814.

Collectors making settlements are authorized by Sec. xxxiii. Reg. VII. 1822, and Sec. v. Reg. IX. 1833, to apply the principles of this Regulation to cases before them respecting land, or the tenures therein.

to be produced by referring disputes to arbitration were always liable to be counteracted. The Governor-General in Council being desirous to promote the reference of disputes of certain descriptions to arbitration, and to encourage people of credit and character to act as arbitrators, and having deemed it proper to submit certain cases to the decision of the Nazim, the following rules have been enacted.

What suits exceeding two hundred rupees the courts are to recommend to the parties to refer to arbitration.

II. In suits that may be brought before any of the courts of civil judicature concerning disputed accounts, partnerships, debts, doubtful or contested bargains, or non-performance of contracts, in which the cause of action shall exceed two hundred *sicca* rupees, the courts are to recommend the parties to submit the decision of the matters in dispute to arbitration.

Cases in which the courts are empowered to nominate one person to arbitrate with the consent of the parties.

III. In all suits for money or personal property, the amount or value of which shall not exceed the sum of two hundred *sicca* rupees, the courts are empowered, with the consent of the parties, to refer the suit to the decision of one arbitrator. The parties, or their vakeels, upon agreeing to the reference, shall, on or before the next court day, mutually choose some one common friend or indifferent person who may be willing to undertake the arbitration. If the parties shall not agree with respect to the person to be appointed arbitrator, or if the person nominated by them shall refuse to accept the arbitration, and the parties, or their vakeels, cannot agree in the appointment of another person willing to undertake the arbitration, the court, with the consent of the parties, is to appoint as arbitrator in the cause, the proprietor of the estate in which the cause of action shall have arisen, or the farmer, if the estate be held in farm of Government, or the cauzy of the pergunnah, or the tehseeldar, or any other creditable person, provided that the person so to be nominated by the court, be not in any respect interested in the matter in dispute. But if the parties cannot agree in the nomination of an arbitrator, or if the person whom they may nominate shall refuse to accept the trust, and the parties cannot agree upon the appointment of any other person willing to undertake the arbitration, or shall not consent to the appointment of an arbitrator by the court, the cause is not to be referred to arbitration, but is to be tried by the court *or the register, if the cause be depending in a Zillah or a City Court, and the judge shall think it proper to refer it to him for decision.* In the event of the parties, or their vakeels, agreeing in the nomination of an arbitrator willing to accept the arbitration, or to an arbitrator being appointed by the court, the person so chosen or appointed shall be the arbitrator in the cause. The parties, however, in suits of the nature of those described in this section, are to have the option of choosing two or more arbitrators to decide their cause, in the same manner as the parties in the causes specified in Section II.

Parties in suits described in this section to have the option of referring their causes to the decision of two or more arbitrators.

Courts to encourage, but not oblige persons to become arbitrators.

What persons are disqualified from becoming arbitrators.

Courts to recommend parties to submit to the

IV. The judges of the courts are enjoined to afford every encouragement in their power to persons of character and credit to become arbitrators; but they are not to employ any coercive means for that purpose, nor to permit any of their public officers or private servants, [*or any of the authorized vakeels,*] to be arbitrators in a cause. In all cases, the courts are directed to endeavour, but without using any compulsion, to prevail

Rescinded by Sec. ii. Reg. XXVII. 1814.

arbitration of one person.

Parties to choose the arbitrators.

Exception.

Arbitrators to decide without fee or reward.

upon parties to submit their cause to the arbitration of one person to be mutually agreed upon by them. In every case (with the exception of the cases specified in Section III. which the courts are empowered to refer to one arbitrator with the consent of the parties), the parties are to choose the arbitrators, who are to decide the matter in dispute without fee or reward.

Court how to proceed upon the parties agreeing to refer a cause to arbitration.

V. Whenever a suit shall be submitted to arbitration, the court in which it may have been instituted, previous to the arbitrator or arbitrators entering upon the arbitration, is to cause the parties to execute arbitration-bonds, binding themselves to abide by the award and agreeing that it be made a decree of the court. The court is to fix such time as it may think reasonable, upon a consideration of the nature and circumstances of the case, for the delivery of the award, and the period so fixed is to be specified in the bonds. If the cause shall be referred to two or more arbitrators, the following provisions are to be made for completing the award, in the event of the arbitrators not delivering it by the limited time, either from disagreement, or other cause. If the decision of the suit shall be referred to two or more arbitrators, whether an odd or an even number, the parties are to have the option of nominating jointly one person as umpire; or if the number of arbitrators appointed shall be three or more, being an odd number, to agree that the award given by the majority shall be final, or to permit the arbitrators to nominate an umpire. The name of the umpire, and the time by which he is to make his award, in the event of the arbitrators not delivering it by the limited period, are to be specified in the bonds, which are to be executed before the arbitrators enter upon the inquiry. In the event of an umpire being appointed, and the arbitrators not agreeing in an award by the limited period, their authority is to cease from such period, and the umpire is to give his award.

Provisions to be made against the arbitrators not delivering in their award by the limited time, from disagreement, or other cause.

Courts how to proceed when the arbitration-bonds have been executed.

VI. When a cause shall be referred to arbitration and the bonds specified in the preceding section shall have been executed, the court is to transmit to the arbitrator or arbitrators a copy of the bill of complaint, and by a short writing under the seal of the court, refer to him or them the matters in dispute between the parties. In the trial of the suit, the arbitrators are to investigate the matters in dispute, by hearing the pleadings of the parties and examining their respective witnesses and documents. The court is to issue the same process to the parties and to the witnesses whom the arbitrator or arbitrators, or the parties, may desire to have examined, to appear before the arbitrator or arbitrators, and to administer such *oaths* to the parties and witnesses as the court is authorized to administer in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators during the investigation of the suit, are to be subject to the like disadvantages, penalties, and punishments, by order made by the arbitrator or arbitrators, as they would incur for the same offences in suits tried before the court; provided that the arbitrator or arbitrators shall report the order, with the reason for making it, to the court, and obtain its consent thereto, which is to be

signified by the judge or judges signing the order. In cases in which an arbitration may be held at a considerable distance from the court, the court may grant commissions to the arbitrators to administer the proper *oaths* to witnesses whom they may be desirous of examining upon *oath*.

Cases in which the courts may extend the period for the delivery of an award.

VII. In cases where arbitrators or umpires shall not have been able to complete the award by the limited time, from want of the necessary evidence or information, or other good and sufficient cause, the courts are empowered to allow a further time for the delivery of the award. In the first-mentioned case, the courts are to fix a period by which the umpire (if an umpire shall have been appointed) shall deliver his final award, in the event of the arbitrators not completing their award by the expiration of such further time.

Arbitrators to deliver all documents and papers into the courts.

Award to become a decree of the court.

VIII. When a final award in a cause shall be made, either by the arbitrators or the umpire, it is to be submitted to the court under the seal and signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause. The court is to pass a decree conformably to the award, and the decree is to be carried into execution in the same manner as other decrees of the court.

Awards not to be set aside, but upon proof of corruption or partiality against the arbitrators.

IX. The award of an arbitrator or arbitrators is not to be set aside, except it be fully proved to the satisfaction of the court, by the *oaths* of two credible witnesses, that the arbitrator or arbitrators has or have been guilty of gross corruption or partiality in the cause in which the award may be made.

See Regs. XIX. 1805, and XVI. 1806.

Cases to be referred to the Nazim.

X. In complaints brought before any Zillah or City Court, in which it shall appear, either by the application of the Nazim or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are servants or relations of his Excellency, or the widows or female descendants of the former Nazims of Bengal, the parties are to be referred for justice to the Nazim, or to any person whom he may appoint to dispense it. Upon a complaint being preferred against any servant or servants of his Excellency by persons of a different description, the court in which the complaint may be instituted is either to refer it to his Excellency, or to hear it in the ordinary manner, according to its discretion, taking care at all times, and in all matters, to pay every proper attention to the dignity and long-established rights of the Nabob. Provided, however, that in all cases in which either the plaintiff or defendant shall prefer the jurisdiction of the court to that of the Nazim, the judge is to try and determine the suit in the same manner as if neither of the parties had been persons of the description specified in this section.

Reg. XVII. 1793.

A.D. 1793. REGULATION XVII.*

A REGULATION *for re-enacting with Alterations and Amendments the Regulations passed by the Governor-General in Council on the 20th July, 1792, for empowering Landholders and Farmers of Land to distrain and sell the personal Property of Under-farmers, Ryots, and dependent Talookdars, and (in certain specified Cases) their Sureties, for Arrears of Rent or Revenue, and for preventing Landholders and Farmers of Land confining or inflicting Corporal Punishment on their Under-farmers, Ryots, and dependent Talookdars, or their Sureties, to enforce Payment of Arrears:* PASSED *by the Governor-General in Council, on the 1st May,* 1793.

I. FROM the Regulations not defining the nature and extent of the coercion which landholders and farmers of land might legally exercise over their under-farmers, ryots, and dependent talookdars, to enforce payment of arrears of rent or revenue, many landholders and farmers, availing themselves of the sanction of former usage, had recourse to the most oppressive means for realizing arrears, and frequently employed the same severities for the purposes of extortion; whilst others, doubtful what measures they were empowered to adopt to enforce payment from defaulters, and apprehensive of subjecting themselves to prosecution for oppression, refrained from all compulsion, and were often defrauded of arrears to which they were justly entitled. These defects in the Regulations tending to screen oppression and dishonesty on the one hand, and to discourage moderation and good faith on the other, and it being as essential to the prosperity of the country and the punctual collection of the public revenue, that landholders and farmers of land should have the means of compelling payment from defaulters without being obliged to have recourse to the courts of justice, and incurring the delay and expense necessarily attending a law process for the recovery of every arrear, as that under-farmers, ryots, and dependent talookdars should be protected from oppression and unjust demands, the Governor-General in Council, with a view to the attainment of these important objects, passed certain Regulations on the 20th of July, 1792. The rules and orders contained in those Regulations are hereby re-enacted with alterations and amendments.

What persons may distrain. Whose and what property is liable to distraint and sale.

II. Zemindars, independent talookdars, and other actual proprietors of land, and farmers of land who hold their farms immediately of Government, are empowered to distrain, without sending notice to any court of justice or any public officer (excepting the after-notice directed to be given in the cases of defaulters employed in *the provision of the Company's*

See Secs. xiii and xiv. Reg. V. 1812.

* It is enacted by Secs. ii. and iii. Reg. VIII. 1831, that the judicial authorities shall not be competent to receive claims relating to arrears or exactions of rent unless preferred as regular suits, but that all summary claims of this nature shall be preferred in the first instance to the collector. By Act I. 1839, it is enacted that no person shall have authority by virtue of any office to sell property distrained for arrears of rent, and that it shall be lawful for the collectors to appoint commissioners for the sale of distrained property.

investment or the manufacture of salt, as specified in Section XXXI.), the crops and products of the earth of every description, the grain, cattle, and all other personal property, whether found in the house or on the premises of the defaulter, or in the house or on the premises of any other person, within or without the limits of the estate or farm of the distrainer, belonging to their under-renters and ryots, and the talookdars paying revenue through them, for arrears of rent or revenue, and to cause the said property to be sold for the discharge of such arrears. The same powers are likewise vested in dependent talookdars for the recovery of arrears of rent from their under-farmers and ryots, and also in under-farmers who farm lands from zemindars, independent talookdars, or other actual proprietors of land, or dependent talookdars, or farmers of land who hold their farms immediately of Government, to enable such under-farmers to enforce payment of arrears of rent or revenue from their ryots, under-farmers, or dependent talookdars. The several descriptions of land-holders and farmers of land above specified are to exercise the powers hereby vested in them, under the following rules and restrictions.

See Sec. ii. Reg. VII. 1799.

III. Persons vested with the power of distraint shall not distrain or sell the lands, houses, or other real property of their under-farmers and ryots, or the talookdars paying revenue through them; *nor goods or advances belonging to the Company in the hands of any weaver, manufacturer, or other persons employed in the provision of their investment; nor the loom, thread, unwrought silk or materials of manufacture of any weaver or manufacturer; nor the tools of any tradesman or labourer standing towards them in the relation of under-farmer, ryot, or dependent talookdar.* All such distraints and sales are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him, *or the distrainer shall be compelled to make good to him the value of it, if it shall be personal property, and shall have been destroyed, damaged, or injured, or shall not be forthcoming,* and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained in consequence of such attachment or sale, with all costs of suit.

What property is not liable to distraint and sale.

Distraint and sale of it illegal and void. Penalty.

IV. The ploughs and implements of husbandry, the cattle actually trained to the plough, and the seed grain of under-farmers, ryots, and dependent talookdars, shall not be distrained for arrears, *provided the defaulter shall possess, and the distrainer shall have it in his power to attach other cattle, grain, or property, sufficient for the discharge of the arrear.* Distrainers are enjoined to attend strictly to this rule; and every deviation from it shall be punished by an award to the party aggrieved of damages adequate to the injury he may have sustained, with all costs of suit.

Modified by Sec. xiv. Reg. V. 1812.

What property is not to be distrained, if other sufficient property can be attached.

Penalty.

Rescinded by Sec. iii. Reg. VII. 1799.

V. [*Under-farmers, ryots, and dependent talookdars, shall not be considered to have defaulted until the arrears have been ineffectually demanded from them and also from their surety, if they shall have given security and the surety shall be forthcoming;*] and when, as the last resource, an attachment shall be issued against the property of a defaulter, the responsibility of the surety shall not be thereby in any degree diminished.

When under-farmers, &c are to be considered to have defaulted.

Sureties not exonerated by the distraint of the property of defaulters.

Penalty for attaching property if no arrear be due.

VI. If any person vested with the power of distraint shall attach, or cause to be sold, the property of any under-farmer, ryot, or dependent talookdar, for arrears of rent or revenue, and it shall appear upon trial that no arrear was due, the distrainer shall be compelled to restore the property to the owner, or to make good to him the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay to him, as damages, a sum adequate to the value of such property and all costs of suit.

Attachment not to take place if the defaulter shall tender the arrears upon demand.

VII. If the defaulter shall tender the arrears demanded of him, in the presence of two creditable witnesses, to the person deputed to attach his property, such person shall receive the arrears, and shall not proceed to the attachment.

See Secs. xv. and xvi. Reg. V. 1812.

Distrainers to furnish the person they may depute to distrain with a writing, specifying the amount of the arrear and the date on which it became due.

Copy of the writing, with list of the property distrained, name of the place where it is lodged, and notice that it will be sold, indorsed thereon, to be delivered to the defaulter, or left at his place of residence in case of his absence.

Penalty.

VIII. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter a writing, under their [*seal and] signature, specifying the amount of the arrear for which the attachment may be issued and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment; and on the day on which he may attach the property, shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached and the name of the place where it may be lodged or kept, [*with a notice that it will be sold on the fifteenth day commencing from the day following the day on which the attachment took place, or if the property attached shall consist of crops or other ungathered products of the earth, within fifteen days calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII.; unless the arrear and expenses of the attachment shall be previously discharged,*] [*or he shall contest the demand and procure the attachment to be withdrawn, in the manner hereafter specified*]. If the defaulter shall be absent, a copy of the above writing, with the prescribed endorsement, shall be fixed up or left at his usual place of residence, before the expiration of the third day calculating from the day of the attachment. If any person vested with the power of distraint shall cause any property to be attached, without furnishing the agent whom they may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed, and shall omit to deliver a copy of it, with the required endorsement, to the defaulter, or in the event of his absence, to leave such copy at his usual place of residence within the period limited, the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay all costs of suit.

See Sec. xiii. Reg. V. 1812, and Act VIII. 1848.

* Rescinded by Sec. iii. Reg. XXXV. 1795.

Rescinded by Sec. iv. Reg. VII. 1799.

Rescinded by Sec. ii. Reg. XXXV. 1795.

See Sec. iv. Reg. VII. 1799, and Secs. xv. and xvi. Reg. V. 1812.

IX. X. [Attachment to be withdrawn when security to bring suit is given.]—*Rescinded by Section II. Regulation XXXV.* 1795—*Re-enacted in Sections XV. and XVI. Regulation V.* 1812.

Attachment to be withdrawn if the defaulter shall tender the arrear and expenses of

XI. If the defaulter shall tender payment of the arrear demanded of him, in the presence of two creditable witnesses, after his property shall have been attached and prior to the day fixed for its being put up to sale,

See Secs. xv. and xvi. Reg. V. 1812.

and also of the necessary expenses attending the attachment, the distrainer shall receive the amount of such arrear and expenses immediately upon the same being tendered, and shall forthwith release the property. In case of any dispute arising respecting the expenses of the attachment, it shall be determined by the *cauzy* of the pergunnah in which the distress may have been levied. The Courts of Dewanny Adawlut are, upon complaint made to them, to punish any distrainer who may act contrary to this Regulation, by awarding against him, in favour of the party injured, damages according to the circumstances of the case, with all costs of suit.

attachment previous to the day of sale.

See Act I. 1839.

Penalty.

XII. Distrainers shall not drive or convey distrained cattle, or other property, out of the limits of the pergunnah in which it may have been attached. The distrainer shall either leave the property upon the premises in the charge of any person he may think proper, or drive or convey it with due care to a proper place, as near as posssible to the premises within the limits of the pergunnah.

Property distrained not to be taken out of the pergunnah.

Where to be kept.

XIII. Distrainers who shall attach the crops or any ungathered products of the earth belonging to their under-farmers, ryots, or the talookdars paying revenue through them, shall cause such crops or products to be reaped or gathered in due season, and store the same in proper houses, barns, or granaries upon the premises, or if there shall be no such places on the premises, in any barn or proper place which can be procured as near thereto as possible within the limits of the pergunnah. The expense of reaping, or gathering and storing such crops or products, shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Distrained crops and ungathered products of the earth when to be reaped or gathered, and where to be stored.

XIV. Distrainers shall not work the bullocks or cattle, or make use of the goods or effects distrained. They shall provide the necessary food for the cattle or live stock, the expense attending which shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Distrained cattle not to be worked, nor goods or effects used. Distrainers to provide food for cattle or live stock. Expense how to be defrayed.

XV. If property distrained shall be stolen or lost, or be damaged, injured, or destroyed by the weather or otherwise, whilst in the possession of the distrainer, owing to his not having taken the necessary precautions for the due keeping and preservation of it, he shall make good the loss or damage to the owner.

Penalty for distrainers neglecting to take due care of the property distrained.

XVI. The distress levied shall not be excessive; or, in other words, the property seized shall be as nearly as possible proportionate to the amount of the arrear. If any person vested with the power of distraint shall attach any property the value of which shall be disproportionate to the arrear, and it shall be proved that he could have seized other property of less value, and which would have been sufficient for the liquidation of such arrear, the Court of Dewanny Adawlut shall award to the owner damages according to the circumstances of the case, with all costs of suit.

Distress to be proportionate to the arrear.

Penalty for excessive distress.

XVII. All attachments shall be made after sunrise and before sunset.

Distress to be levied

between sunrise and sunset.

Penalty for attaching property after sunset and before sunrise.

If any person vested with the power of distraint shall seize, or attempt to seize, the property of any defaulter after sunset and before sunrise for the discharge of arrears of rent or revenue, such distrainer shall not be entitled to recover the arrear, and if the property shall have been attached, shall be compelled to restore it to the defaulter, or the value of it if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, with all costs of suit.

Transfer of a defaulter's property to prevent distraint invalid.

Penalty for persons to whom such transfers may be made.

XVIII. If any under-farmer, ryot, or dependent talookdar, shall make a fraudulent conveyance or transfer of his property to prevent the attachment of it for arrears, the Court of Dewanny Adawlut, upon proof thereof being made before it, shall cause the property to be delivered up to the distrainer, and compel the person to whom such transfer or conveyance shall have been made to pay to the distrainer damages adequate to the value of one-half of the property, with costs of suit.

Punishment for under-farmers, &c. resisting an attachment, or forcibly or clandestinely taking away their property after it has been attached

See Sec. ix. Reg. VII. 1799

XIX. If any under-farmer, ryot, or dependent talookdar, shall resist the attachment of his property, or shall forcibly or clandestinely take it away after it shall have been attached, the Court of Dewanny Adawlut shall cause him, and all persons who may be proved to have been his aiders or abettors, to be imprisoned in the gaol until he shall restore the property to the distrainer, or the arrear shall have been liquidated by the distraint and sale of other property, or otherwise discharged, with the expenses attending the attachment and costs of suit.

Punishment for persons, not being the owners, forcibly or clandestinely taking away property which has been attached.

XX. If any person, not being the owner, shall be convicted of forcibly or clandestinely taking away property that has been distrained, the Court of Dewanny Adawlut, upon proof thereof being made before it, shall cause such person or persons to be imprisoned until they restore the property, or make good the value of it to the distrainer, and pay to him, as damages, a sum equal to the value of such property, and all costs of suit.

What places distrainers may force open to attach the property of defaulters.

Zenana or women's apartments not to be entered, whether the doors be open or shut.

Dwelling-houses not to be forced open.

Punishment for entering women's apartments or forcing open dwelling-houses

Penalty for entering

Modified by Sec. x. Reg. VII 1799.

XXI. Distrainers are empowered to force open any stable, cow-house, barn, golah, granary, or other building, and to enter any dwelling-house, the outer door of which may be open (excepting the apartments in such dwelling-house which may be appropriated for the zenana or residence of women), and to break open the door of any room in such dwelling-house, for the purpose of attaching any property belonging to a defaulter which may be lodged therein. But nothing contained in this Regulation shall be construed to authorize persons vested with the power of distraint, or their servants or agents, to enter the zenana or apartments of women, whether the doors or passages leading thereto be open or not; nor to force open and enter any dwelling-house, the outer door of which may be locked or barred. Persons entering the apartments of women, or forcing open the outer door of any dwelling-house, shall be imprisoned for six months; the distrainer shall not recover the arrear for which the attachment may have been issued, and he shall be compelled to restore to the defaulter any property that may have been attached, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming; and the court shall further award against such distrainer heavy damages, with all costs of suit. And if any person shall enter a dwelling-house, or

break open any stable, cow-house, barn, golah, granary, or other building, not occupied by or in the possession of the defaulter, to distrain property belonging to him, and no such property shall be found therein, the distrainer shall be liable to prosecution by the occupant or possessor, for entering such house or breaking open such stable or other building, and the court shall award to him damages according to the circumstances of the case, with all costs of suit.

any dwelling house, or breaking open any place not occupied by or in the possession of the defaulter, should no property belonging to him be found therein.

XXII. [Attachment—sale—disposal of surplus—further attachment for deficiency.]—*Rescinded by Section IV., and see Section V. Regulation XXXV.* 1795.

Modified by Act I. 1839

XXIII. The *cauzy* is to be careful to prevent any unfair practices, either in the appraisement or sale of property. Upon proof being made, before the Court of Dewanny Adawlut of the zillah, of his conniving at any such practices, the court shall cause him to make good any loss or injury that the defaulter may have thereby sustained, with costs of suit, and shall immediately report the circumstances of the case to the Sudder Dewanny Adawlut, for the information of the Governor-General in Council, who, provided there shall appear to him sufficient reason for so doing, shall dismiss such *cauzy* from his office.

Punishment for cauzies conniving at unfair practices in the appraisement or sale of property.

XXIV. The distrainer, the *cauzy*, and the appraisers, are prohibited purchasing, directly or indirectly, any part of the property. Any *cauzy* or appraiser offending against this prohibition, shall be compelled to restore the property to the defaulter, or the full value of it in the event of its being injured, damaged, destroyed, or not forthcoming, and shall forfeit the purchase-money, which shall be appropriated to the liquidation of the arrear, and pay all costs of suit; and the court shall report the circumstances to the Sudder Dewanny Adawlut, for the information of the Governor-General in Council, who, if there shall appear to him sufficient ground for so doing, shall dismiss such *cauzy* from his office. Distrainers acting contrary to the prohibition contained in this section shall be compelled to restore the property to the defaulter, or the full value of it if it shall have been injured, damaged, or destroyed, or shall not be forthcoming, and shall likewise forfeit to him the arrear for which the property may have been attached, and pay all costs of suit.

Modified by Act I 1839.

Distrainer, *cauzy*, and appraisers, not to purchase the property.

Penalty.

XXV. Neither the defaulter, nor any person on his behalf, shall be permitted to bid for or purchase the property.

Defaulters not to bid for or purchase their property.

XXVI. [Payment when to be made for property sold.]—*Rescinded by Section VI., and see Section VII. Regulation XXXV.* 1795.

XXVII. Persons who tenant or under-farm lands in the name of their children, dependants, or others, or in the names of fictitious persons, and give themselves as the ostensible sureties for the performance of the agreement, but retain the actual management of the lands, and in fact are themselves the under-farmers or ryots of such lands, shall, to all intents and purposes, be considered as the under-farmers or ryots of such lands, and their property shall be liable to be distrained and sold for arrears,

Persons who, under the names of sureties, farm or tenant lands in the name of others, to be considered the actual ryots or farmers of such lands.

under this Regulation, in the same manner as if the engagement for the lands had stood in their own names.

Landholders and farmers prohibited confining or inflicting corporal punishment on defaulters or their sureties.

XXVIII. Landholders and farmers of land are prohibited confining or inflicting corporal punishment on any under-farmer, ryot, or dependent talookdar, or their sureties, to enforce payment of arrears of rent or revenue. If any landholder or farmer shall offend against this prohibition, the person so punished or confined shall be at liberty either to prosecute the offender for assault or imprisonment in the Criminal Court, or to institute a suit against him in the Dewanny Adawlut of the zillah, which court shall award damages against such offender, according to the circumstances of the case, with costs of suit.

What persons are to perform the duties assigned to the cauzy, in the event of his absence, or of there being no such officer stationed in the pergunnah.

XXIX. *In the event of the absence of the cauzy, or of there being no such officer stationed in the pergunnah, the tehseeldar, or in case of his absence or of there being no such officer in the pergunnah, then such person as the judge of the Dewanny Adawlut of the zillah shall think proper to vest with authority for that purpose, may and shall respectively do all such acts as the cauzy is authorized or directed to perform by this Regulation, and under the like restrictions and penalties as far as the latter can be inflicted.* Superseded by Act I. 1839.

Heirs and successors of landholders and farmers to distrain for arrears due to the deceased, if entitled thereto.

Managers of estates of disqualified landholders, and managers of undivided estates, vested with the power of distraint.

XXX. Upon the death of any person vested with the power of distraint by this Regulation, his heirs or successors, who may be entitled to the arrears due to him, shall be at liberty to distrain the property of the defaulters and their sureties, in the cases authorized, for the recovery of the same, agreeably to this Regulation. It is to be understood, likewise, that managers of the estates of disqualified landholders, and managers of undivided estates belonging to two or more proprietors, all of whom do not come within the description of disqualified landholders, are authorized to exercise the same powers for the recovery of arrears of rent or revenue, as the proprietors of estates committed to their charge would be entitled to exercise under this Regulation, were they to be entrusted with the management of their own estates; subject, however, to the several rules, restrictions, and penalties therein specified.

Explanatory rule respecting defaulters employed in *the provision of the investment* or the manufacture of salt.

XXXI. The several descriptions of landholders and farmers of land specified in Section II. are empowered, under the restrictions contained in this Regulation, to attach and sell the property of persons employed in *the provision of the Company's investment, or* the manufacture of salt, for the recovery of arrears of rent or revenue, without previously stating the claim *to the Company's commercial representative, or* to any salt agent or other officer employed in the salt department. But such distrainers shall, within three days, calculating from the day following the day of the attachment after they shall have attached the property of any *weaver or* molungee, or other person employed in *the provision of the Company's investment, or* the manufacture of salt, send information of such attachment, in writing, to the *commercial resident, or* salt agent, or the nearest *commercial factory or* salt cutcherry, that the *commercial resident or* salt agent may satisfy the demand previous to the time fixed for the sale of the

property, or cause such steps to be taken in behalf of the defaulter as may be consistent with this Regulation.

See Sec. ii. Reg. VII. 1799.

Principals responsible for the acts of their agents.

XXXII. If any gomastah, agent, servant, or officer of any person vested with the power of distraint, shall attach or cause to be sold the property of any under-farmer, ryot, or dependent talookdar, or their sureties, or do any act in the attachment or sale of it contrary to this Regulation, the party aggrieved shall have his remedy against the principal of the offender for such illegal attachment, sale, or act, whether the same took place or was done by the orders or with the knowledge of such principal or not. Provided that nothing contained in this section shall extend to subject a distrainer to imprisonment, in the event of any person deputed by him to attach property entering the zenana or apartments of women, or breaking open a dwelling-house, in opposition to the prohibition contained in Section XXI.; unless it shall be proved that such acts were done by the order, or with the consent or knowledge of such distrainer.

See Reg. VIII. 1831.

Persons deeming themselves injured by the distraint and sale of their property may seek redress in the Dewanny Adawlut.

Persons vested with the powers of distraint to have the option of prosecuting in the Dewanny Adawlut for arrears.

XXXIII. Nothing contained in this Regulation shall be construed to prohibit persons whose property may have been distrained or sold from instituting a suit in the Court of Dewanny Adawlut of the zillah against the distrainer for any injury which they may think they have hereby sustained. Nor to prevent the several descriptions of landholders or farmers of land, or other persons vested with the power of distraint, from prosecuting in the Court of Dewanny Adawlut of the zillah for arrears due to them from any under-farmer, ryot, or dependent talookdar, or their sureties, should they prefer the last-mentioned mode of procedure to distraining and selling the personal property of the defaulter, or in the cases authorized, of his surety, for the recovery of the arrears under this Regulation.

See Reg. VIII. 1831.

Suits instituted under this Regulation to be tried in preference to all other suits.

XXXIV. All suits that may be instituted under this Regulation are to be heard and determined previous to any other suits which may be depending.

A.D. 1793. REGULATION XVIII.

Reg. XVIII. 1793.

A Regulation *for preserving complete the Records of the Civil and Criminal Courts of Judicature, and requiring the Zillah and City Courts to transmit monthly Reports of the Suits decided by them to the Provincial Courts of Appeal; and directing the Provincial Courts of Appeal to submit monthly Reports of the Appeals and Causes decided by them to the Sudder Dewanny Adawlut:* Passed *by the Governor-General in Council, on the* 1st *May,* 1793.

I. To obviate injuries arising to public or private rights or property, by the loss, destruction, or removal of the records of the Courts of Judicature; and with a view to facilitate reference to them, and that the Provincial

Courts of Appeal may have in their possession a record of the number and nature of the causes filed and decided in the Zillah and City Courts, and the time they may have been depending, and the substance of the decision respecting them; and that the Sudder Dewanny Adawlut may possess similar information with regard to suits filed both in the Zillah and City Courts and the Provincial Courts of Appeal, and that the Honourable Court of Directors may be apprized of the decisions of the Sudder Dewanny Adawlut, the following rules have been enacted.

Two native keepers of the records to be appointed to keep the records of the Civil and Criminal Courts.

II. Two native keepers of the records shall be appointed to keep the Dewanny Adawlut and Foujdarry records in each zillah, and in each of the cities of Patna, *Dacca*, and Moorshedabad, *and in each of the Provincial Courts of Appeal and Courts of Circuit*, and in the Sudder Dewanny Adawlut and the Nizamut Adawlut.

To hold their offices during their good behaviour, and to be removable only by the Governor-General in Council.

III. The keepers of the records shall not be removed from their offices but for misconduct, proved to the satisfaction of the *Governor-General in Council*, notwithstanding anything that may be said to the contrary in any Regulation passed on this date. The offices, however, are declared not to be hereditary.

See Sec. I. Reg. V. 1804, and Sec. iv. Reg. VIII. 1809.

To keep a list of the records in a book, paged and attested as herein directed.

IV. The keepers of the records are to keep a register, in the Persian and Bengal languages in Bengal and Orissa, and in the Persian language in Behar, of all the Dewanny and Foujdarry proceedings, documents, and other records belonging to the courts to which they may respectively be attached, in a book, each leaf of which shall be attested by the official signature of the *register, and assistant to the* judges and magistrates of the zillahs and cities, and the registers to *the Provincial Courts of Appeal and the Courts of Circuit, and* the Sudder Dewanny Adawlut and the Nizamut Adawlut, and on the last leaf of which they shall specify, in their own handwriting, the number of pages contained in the book. The existing records are to be first registered, and the keepers of the records are to prepare a list of them immediately upon the receipt of this Regulation.

See Sec. xvi. Reg. V. 1798, and Sec. xvi. Reg. II. 1801.

Number of the page in which papers are registered to be endorsed on the back of them.

V. The keepers of the records are to endorse upon the back of every paper or document which they may enter in the register, the number of the page in which it may be registered; and the endorsement is to be attested with the official signature of both or either of them.

Keepers of the records to be careful that papers are not destroyed by damp or otherwise.

VI. It shall be the duty of the keepers of the records to see that the records of the court are not destroyed by insects, damp, or otherwise, and that they are not removed without the orders of the court.

To be liable to dismission if papers are destroyed by their neglect, or shall not be forthcoming, and they shall not be able to give a satisfactory account of them.

VII. If any records entered in the register shall be destroyed, in consequence of the neglect or any omission of the keepers of the records, or if any such records shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their offices.

To observe any rules prescribed to them by any Regulation printed

VIII. The keepers of the records are to be careful to attend to any rules or orders respecting the duties of their office, that may be prescribed

to them by any Regulation printed and published in the manner directed by Regulation XLI. 1793, and also to any directions that may be given to them by the court to which they may be attached, or the register thereof, for the better keeping, preserving, or registering the records.

and published in the manner directed by Regulation XLI. 1793.

See Sec. xv. Reg. V. 1798.

IX. The courts of Dewanny Adawlut established in the several zillahs, and at the cities of Patna, *Dacca*, and Moorshedabad, are to keep a book in which the daily proceedings in each cause, and every order or act of the court, are to be minuted in the Persian or Bengal language, in Bengal and Orissa, or in the Persian language, or the Hindoostance language and Nagree character in Behar, and attested with the signature of the judge. The plaint, answer, reply, and rejoinder of the parties, and every deposition, exhibit; and paper whatever, read and filed in each cause, is to be minuted and referred to in this book, by marks or numbers, corresponding to marks or numbers to be endorsed on each document when it may be read in the cause.

Book of daily proceedings to be kept in each Zillah and City Court.

See Act XXIX. 1837.

Entries to be made in it.

X. [A separate and complete record of each cause to be kept.]—*Rescinded by Section XVI. Regulation V.* 1798.

XI. XII. and XIII. [Forms of monthly reports and registers.]—*Rescinded by Section II. Regulation VII.* 1829.

XIV. [Form of record to be kept by Provincial Court.]—*Rescinded by Section XVI. Regulation V.* 1798.

XV. to XVIII. [Forms of registers and reports.]—*Rescinded by Section II. Regulation VII.* 1829.

A. D. 1793. REGULATION XIX.*

Reg. XIX. 1793.

A Regulation *for re-enacting, with Modifications, the Rules passed by the Governor-General in Council, on the* 1*st December*, 1790, *for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government, under Grants not being of the Description of those termed Badshahee or Royal; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the payment of public Revenue:* Passed *by the Governor-General in Council, on the* 1*st May*, 1793.

I. By the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land (demandable in

* So much of this Regulation as provides that before the Government shall proceed to assess land held free of assessment, the right to do so shall be established by the decree of a civil court, in a suit to be instituted on behalf of Government, has been superseded by the enactment of Regs. II. 1819, IX. 1825, and III. 1828, which vest in the revenue authorities

money or kind, according to local custom), unless it transfers its right thereto for a term or in perpetuity, or limits the public demand upon the whole of the lands belonging to an individual, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, whilst he continues to discharge the latter. As a necessary consequence of this law, if a zemindar made a grant of any part of his lands to be held exempt from the payment of revenue, it was considered void, from being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Previous, however, to the Company's accession to the dewanny, numerous grants of this description were made, not only by the zemindars but by the officers of Government appointed to the temporary superintendence of the collection of the revenue, under the pretext that the produce of the lands was to be applied to religious or charitable uses. Of these grants some were applied to the purposes for which they were professed to have been made, but, in general, they were given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the grantor, or sold to supply his private exigencies. In conformity to the principles which prevailed under the native administration, the British Government have at various times declared all grants for holding land exempt from the payment of revenue made since the date of the Company's accession to the dewanny, without their sanction, illegal and void. Their lenity, however, induced them to adopt it as a principle, that grants of this description made previous to the date of the dewanny, and provided the grantees had obtained possession, should be held valid to the extent of the intentions of the grantor, as ascertainable from the terms of the writings by which the grants might have been made, or from their nature and denomination. But no complete register of these exempted lands having been formed upon the Company's accession to the dewanny, nor subsequent to that period, many zemindars, as well as the temporary farmers of the public revenue, and the officers of Government to whom the collection of the revenue in the different districts has been occasionally committed, in consequence of the zemindars refusing to pay the revenue demanded of them, have availed themselves of the above-mentioned rule of limitation, to make grants of extensive tracts of land to others, or in the names of their relations or dependants, for their own use, dating the deeds for these alienations previous to the Company's accession to the dewanny, or procuring them to be registered in the zemindarry records as having been alienated prior to that period. Others have made such alienations without antedating the grants, and left it to the grantee to maintain himself in possession by such means as circumstances might afford, in the event of his title being brought into question. The Governor-General in Council deeming it incumbent on him to recover the public

the primary cognizance and decision of such claims, subject to revision, on appeal, by the special commissioners, where those officers are appointed; or in other cases by the Civil Courts, in original suits in the nature of appeals to set aside such decisions. The same enactments authorize the collector to entertain claims of parties to hold lands free of assessment.—See Clause 11, Sec. v. Reg. IX. 1825.

By Section iv. Regulation II. 1819, the provisions of this Regulation were declared applicable to mocurrery and other grants limiting the demand of Government.

dues thus alienated in opposition to the ancient and existing laws of the country, as well as to resume the revenue of all lands the grants for which might expire; and as the proprietors of estates were not entitled to collect such of the public dues from the lands included in their estates as Government had judged it advisable to transfer to individuals, or to resume those which had been alienated by themselves or others, the amount, in both cases, being excluded from the assets on which the settlement was to be concluded, it was made a rule at the time of forming the decennial settlement, and which has been re-enacted by Section XXXVI. Regulation VIII. 1793, that the jumma assessed upon the estates of individuals was to be considered as exclusive and independent of all existing lakheraj lands, whether exempted from the kheraj or public revenue, with or without due authority; and by the third clause of the seventh article of the Proclamation contained in Regulation I. 1793, which specifies the conditions under which Government declared the decennial settlement permanent, it is expressly stipulated, that the Governor-General in Council will impose such assessment as he may deem equitable on all lands at present alienated and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles. The Governor-General in Council, however, at the same time that he is desirous of recovering the public dues from lands which have been illegally alienated, is equally solicitous that persons holding such grants under titles that are declared valid should be secured in the possession and enjoyment of their property. It is likewise his wish that the recovery of the dues of Government from those lands which have been illegally alienated previous to the 1st December, 1790, should be attended with as little distress as possible to the possessors; and to obviate all injustice or extortion in the inquiry into the titles of persons holding exempted lands, he has further resolved that the claims of the public on their lands (provided they register the grants as required in this Regulation) shall be tried in the Courts of Judicature, that no such exempted lands may be subjected to the payment of revenue, until the titles of the proprietor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the recovery of the public dues from lands held exempted under invalid grants, as well as to prevent any similar alienations being hereafter made, to the prejudice of the security of the public revenue which has been assessed in perpetuity upon the estates of individuals; and further, that Government and the officers employed in the collection of the public revenue may at all times have in their possession a correct register of the lands in the several zillahs held exempt from the payment of revenue, the following rules, containing the rules passed on the 1st December, 1790, with modifications, have been enacted.

See Secs. ii. and iii. Reg. XIV. 1825.

Grants of alienated land made previous to the 12th August, 1765, declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

II. *First.* All grants for holding land exempt from the payment of revenue, made previous to the 12th August, 1765, the date of the Company's accession to the dewanny, by whatever authority, and whether by a writing or without a writing, shall be deemed valid, provided the grantee actually and bonâ fide obtained possession of the land so granted previous to the date above mentioned, and the land shall not have been subsequently rendered subject to the payment of revenue by the officers or the orders of Government. If it shall be proved, *to the satisfaction of the court,* that the

Grants made before

the dewanny of no validity, if possession was not obtained prior thereto, or the lands have been since subjected to the payment of revenue.

grantee did not obtain possession of the land so granted previous to the 12th August, 1765, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government, the grant shall not be deemed valid.

Courts to refer to the Governor-General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have subjected exempted land granted before the dewanny to the payment of revenue.

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a grant made previous to the date of the Company's accession to the dewanny, and of it being proved, *to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed,* that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the *court* shall entertain doubts as to the competency of such officer, under the powers vested in him, to subject the lands to the payment of revenue, the *court* shall suspend its judgment and report the circumstances to the Governor-General in Council, to whom a power is reserved of determining whether such officer was or was not competent to subject the land to the payment of revenue; and upon receiving the determination of the Governor-General in Council, the *court* is to decide accordingly.

Claims to hold exempted from revenue, lands that have paid revenue for twelve years, not to be heard.

Exception.

No such claim, however, to hold exempt from the payment of revenue land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any *Zillah or City Court,* unless the claimant can show good and sufficient cause for not having preferred the claim to a competent jurisdiction within the twelve years, and proceeded in it, as required by Section XIV. Regulation III. 1793.

No persons not being the original grantees, to be entitled to hold exempt from the payment of revenue lands now subject to the payment of revenue, under grants for life made previous to the dewanny.

Third. But no part of the two preceding clauses is to be construed to empower the *courts* to adjudge any person, not being the original grantee, entitled to hold exempt from the payment of revenue land now subject to the payment of revenue, under a grant made previous to the Company's accession to the dewanny, the writing for which may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only according to the ancient usages of the country.

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to the dewanny, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Fourth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue under a grant made previous to the dewanny, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where, from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country. Nor to entitle the heir to any such person to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise; unless it shall be proved, *to the satisfaction of the court,* that the grant, from the nature and denomination of it, is hereditary according to the ancient usages of the country. But upon the demise of the present possessor of any such grant, which may be adjudged not

Power reserved to the Governor-General in Council of determining whether life grants, to which one or more successions of whatever nature may have taken place prior to the date of the dewanny, shall be subjected to the payment of revenue or

hereditary under this clause, if it shall appear that one or more successions in virtue of whatever right, shall have taken place before the date of the dewanny, the lands shall not be subjected to the payment of revenue under the decree without the sanction of the Governor-General in Council, to whom a copy of the proceedings and decree of the *court* is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue or not, as may appear to him proper.

not, on the death of the present possessor.

Fifth. The present possessors of lands now exempt from the payment of revenue, under such life grants made previous to the dewanny and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives, and all such transfers and mortgages are declared illegal and void. It is to be understood, however, that if any such life grants shall have been confirmed as hereditary tenures by Government, or by the officers of Government empowered so to confirm them, they are not to be liable to the payment of revenue on the death of the present possessor, and are to be excepted from the other rules contained in this and the preceding clause. If doubts shall arise in any *court* as to the competency of the authority of any officer of Government to confirm any such life grant as hereditary, the *court* is to suspend its judgment, and report the circumstances to the Governor-General in Council, to whom a power is reserved of determining, finally, whether such officer possessed competent authority to confirm the grant as hereditary or not, and the *court*, upon receiving the determination of the Governor-General in Council, is to decide accordingly.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

Such life grants, if confirmed by Government or its officers, not to be subject to the payment of revenue on the death of the present possessor.

See Sec. iii. Reg. XIV. 1825.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 12th August, 1765, and previous to the 1st December, 1790, corresponding with the 18th Aughun, 1197, Bengal era, the 10th Aughun, 1198, Fussily, the 18th Aughun, 1198, Willaity, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

All grants made or confirmed since the dewanny, excepting by the authority of Government, or its officers duly empowered, declared invalid.

Second. If doubts shall be entertained by any *court* as to the competency of the authority of any officer to confirm any such grant, the *court* is to suspend its judgment, and report the circumstances of the case to the Governor-General in Council, to whom a power is reserved of determining, finally, whether the officer possessed competent authority to confirm the grant, or otherwise, and the *court*, upon receiving the determination of the Governor-General in Council, shall decide accordingly.

Courts how to proceed, in the event of their entertaining doubts of the authority of the officer to confirm the grant.

Third. The rule contained in Clause First is not to be considered to extend to authorize the subjecting to the payment of revenue land held exempt from the payment of it under grants made previous to the commencement of the Bengal year 1178, or the Fussily or Willaity year 1179 (according as the land may be situated in Bengal, Behar, or Orissa), under the signature of the chiefs of the late provincial councils and the seals of those councils, agreeably to an authority vested in them by Government for granting land to be held exempt from the payment of revenue, the annual produce of which did not exceed one hundred rupees.

Exception to the rule in Clause First, in favour of the grants herein specified made by the chiefs of the provincial councils,

Fourth. Nor to authorize the subjecting to the payment of revenue, any land, the grants for which, whether for the life of the grantee or other-

and also of lands, not exceeding ten begahs, granted before the dates,

herein specified, which are appropriated to religious or charitable

wise, were made previous to the commencement of the Bengal year 1178, or the Fussily or Willaity year 1179 (according as the land may be situated in Bengal, Behar, or Orissa), where the quantity of land granted shall not exceed ten begahs, and the produce of it is bonâ fide appropriated as an endowment on temples, or to the maintenance of Brahmins, or other religious or charitable purposes. The rule in this clause is declared to extend, also, to all grants of land whatever, not exceeding ten begahs, made previous to the dewanny, the produce of which may be now so appropriated.

Questions regarding the proprietary right in lands alienated before the 1st December, 1790, and adjudged liable to the payment of revenue, to be determined in the Dewanny Adawlut, this Regulation with respect to such lands relating only to the revenue.

See Secs. xv. xvi. and xvii. Reg. VII. 1822.

IV. This Regulation, as far as regards lands alienated previous to the 1st December, 1790, respects only the question whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previous to that date, and which, in conformity to this Regulation, may become subject to the payment of revenue, is to be considered as a matter of a private nature, to be determined by the Courts of Dewanny Adawlut, in the event of any dispute or claim arising respecting it between the grantee and the grantor, or their respective heirs or successors. The grantees, or the present possessors, until dispossessed by a decree of the Dewanny Adawlut, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates or dependent talooks (according as the land may exceed or be less than one hundred begahs, as specified in Sections VI. VII. and XXI.), subject to the payment of revenue, and they are to execute engagements for the revenue with which their lands may be declared chargeable, either to Government, or to the proprietor or farmer of the estate in which the lands may be situated, or to the officer of Government (according as the revenue of the estate in which the land may be situated may be payable by the proprietor or a farmer, or collected khas), under the rules for the decennial settlement. If by the decision of the Dewanny Adawlut the proprietary right in the land shall be transferred, the person succeeding thereto is, in like manner, to be responsible for the payment of the revenue assessed or chargeable thereon.

V. By continuing the proprietary right in the land to the grantee or possessor, in the cases specified in the preceding section, instead of dispossessing him of the land altogether, agreeably to former usage, and assessing the land in the mode prescribed in the two following sections, a liberal provision will be left to him. Where the grant may have been made before the Bengal year 1178, or the Fussily or Willaity year 1179, the proprietor will hold his land as an estate paying a fixed revenue of only half the amount assessed on other malguzarry lands in the country; and where the grant may have been made subsequent to the above-mentioned periods, he will hold the land as subject to the payment of the same revenue as other lands assessed with revenue, under the rules for the decennial settlement, as hereafter directed.

To whom the revenue assessed on lands, not exceeding one hundred begahs, alienated before

See Cl. 1, Sec. iii. Reg. II. 1819.

VI. The revenue assessable, under Section IX. on land not exceeding one hundred begahs of the measurement that may prevail in the pergunnah wherein it may be situated, and whether lying in one village, or

two or more villages, and that may have been alienated by any one grant made previous to the 1st December, 1790, and which may be adjudged or become liable to the payment of revenue, shall belong to the person responsible for the discharge of the revenue of the estate or dependent talook in which the land may be situated, notwithstanding anything said in Section VIII. Regulation I. 1793; and he shall not be liable to the payment of any additional revenue on account of the assessment which may be chargeable on such lands during the continuance of the engagement under which he may pay the revenue of such estate or dependent talook, when the land may be so adjudged liable to the payment of revenue. If the estate or dependent talook shall be held khas, when the lands are decreed liable to the payment of revenue, the amount is to be collected by, and paid to whomsoever the rents and revenue of the estate or talook may be payable, until a settlement shall be concluded for the revenue of it, either with the proprietor or a farmer. The land which may be so adjudged subject to the payment of the revenue is to be considered as a dependent talook.

the 1st December, 1790, is to belong.

VII. The revenue assessable, under Section VIII. on land exceeding one hundred begahs of the measurement that may prevail in the pergunnah wherein it may be situated, and whether lying in one village, or two or more villages, and alienated by any one grant made previous to the 1st December, 1790, and which may be adjudged or become liable to the payment of revenue, is declared to belong to Government. The lands specified in this section which may be adjudged liable to the payment of revenue are to be considered as independent talooks.

The revenue assessable on lands exceeding one hundred begahs, alienated prior to the 1st December, 1790, declared to belong to Government.

See Sec. v. Reg. XIII. 1825.

VIII. *First.* The amount of the revenue payable from the lands specified in Section VII. is to be adjusted according to the following rules.

Rules for fixing the assessment on the lands specified in Section vii.

Second. If the grant shall have been made previous to the Bengal year 1178, or the Fussily or Willaity year 1179 (according as the lands may be situated in Bengal, Behar, or Orissa), the revenue to be paid to Government shall be equal to one-half of the annual produce of the land, calculating according to the rates at which other lands in the pergunnah of a similar description may be assessed. If any part of the land shall be uncultivated, the proprietor is to be required to bring it into cultivation, and to pay such russud or progressive increase, to be regulated with a reference to the reduced rate of the assessment on the cultivated land, as the Board of Revenue, with the sanction of the Governor-General in Council, may deem reasonable. The produce of the land shall be ascertained by a survey and measurement, one-half of the expense attending which is to be defrayed by the proprietor, in the event of his agreeing to the jumma required of him, and the other moiety by Government; or by such other mode of investigation as the collector, with the sanction of the Board of Revenue, may judge advisable. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held khas, under the rules prescribed in Regulation VIII. 1793. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he, and his heirs and successors, shall hold the lands at such fixed revenue for ever.

If the grant shall have been made previous to the Bengal year 1178, or the Fussily or Willaity year 1179.

Third. If the grant shall have been made subsequent to the Bengal year 1178, or the Fussily or Willaity year 1179 (according as the lands

If the grant shall have been made subsequent to the Bengal

year 1178, or the Fusily or Willaity year 1179.

may be situated in Bengal, Behar, or Orissa), the revenue or jumma to be paid to Government from the land shall be assessed agreeably to the rules prescribed in Regulation VIII. 1793, for forming the settlement of estates paying revenue to Government, and the produce shall be ascertained, and the expense of the investigation defrayed, in the manner specified with regard to the lands in the preceding clause. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held khas, under the rules for the decennial settlement. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future, but he, and his heirs and successors, shall hold the land at such fixed revenue for ever.

Rule for fixing the amount of the revenue on the land specified in Section vi.

IX. The rules in the preceding section are to be held applicable to the lands specified in Section VI.; with this difference, that the proprietor, farmer, dependent talookdar, or officer of Government to whom the revenue may be payable, shall ascertain the produce of the land without subjecting the grantee to any expense, and submit the accounts of it to the collector, who shall fix the revenue to be paid from the lands in perpetuity, reporting the amount for the confirmation of the Board of Revenue, who are empowered, in cases in which it shall appear to them proper, to increase or reduce the amount. If the proprietor shall agree to pay the revenue required of him, he and his heirs and successors shall hold the lands as a dependent talook, subject to the payment of such fixed revenue for ever.

Grants made since the 1st December, 1790, declared null and void.

See Sec. viii. Reg. IX. 1825.

X. All grants for holding land exempt from the payment of revenue, whether exceeding or under one hundred begahs, that have been made since the 1st December, 1790, or that may be hereafter made, by any other authority than that of the Governor-General in Council, are declared null and void, and no length of possession shall be hereafter considered to give validity to any such grant, either with regard to the property in the soil or the rents of it. And every person who now possesses, or may succeed to the proprietary right in any estate or dependent talook, or who now holds or may hereafter hold any estate or dependent talook in farm of Government, or of the proprietor, or any other person, and every officer of Government appointed to make the collections from any estate or talook held khas, is authorized and required to collect the rents from such lands at the rates of the pergunnah, and to dispossess the grantee of the proprietary right in the land, and to re-annex it to the estate or talook in which it may be situated, without making previous application to a Court of Judicature, or sending previous or subsequent notice of the dispossession or annexation to any officer of Government; nor shall any such proprietor, farmer, or dependent talookdar, be liable to an increase of assessment on account of such grants which he may resume and annul, during the term of the engagements that he may be under for the payment of the revenue of such estate or talook when the grant may be so resumed and annulled. The managers of the estates of disqualified proprietors, and of joint undivided estates, are authorized and required to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

Managers of estates to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

How proprietors and

See Cl. 1, Sec. iii. Reg. II. 1819.

XI. Proprietors or farmers of land, or dependent talookdars, who may

deem themselves entitled to the revenue of any land of the description of that specified in Section VI. situated in their respective estates, farms, or talooks, are to institute a suit for the recovery of it in the Court of Dewanny Adawlut. Any proprietor or farmer of land, or dependent talookdar, or other person, subjecting such lands to the payment of revenue, without having previously obtained a judicial decree for that purpose, shall be liable to be sued for damages by the parties injured. Where estates or dependent talooks may be held khas, the right of suing for the recovery of the revenue from the lands specified in Section VI. is to be considered as vested in the party to whom the collections from the estate or talook may be payable. If the estate or talook be held khas by Government, the tehseeldar or other officer is to sue for the revenue chargeable on such lands in the room of the proprietor, but under the directions of the collector.

Farmers of land, &c. are to recover the revenue payable to them from the lands specified in Section vi.

To whom the right of suing for the revenue of the lands specified in Section vi. is to belong, if the estate or talook be held khas.

XII. XIII. XIV. [Suits by collectors for the recovery of invalid lakheraj.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

XV. The collectors of the revenue are to defend all suits that may be instituted against Government, by any individual claiming a right to hold lands exempt from the payment of public revenue, and such suits, *and the suits which the Board of Revenue may direct the collector to institute*, are to be defended and prosecuted by the vakeel of Government under the instructions of the collector; and in the event of Government being cast, either wholly or in part, or if the collector shall be dissatisfied with the decree in any respect, all the rules contained in Section XXX. Regulation XIV. 1793, and the other sections in that Regulation respecting decisions given against a collector in any Zillah Court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree; with this difference, that the suit, from the commencement of it, is to be defended *or carried on* at the expense of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the Zillah Court to be preferred *to the Provincial Court of Appeal, or against the decision of the Provincial Court* to the Sudder Dewanny Adawlut, *in the event of their ordering the cause to be appealed to the Provincial Court*, and of its being given against them therein, they are to report their reasons, *in both cases*, for not preferring the appeal to the Governor-General in Council, who will direct the cause to be appealed, or not, in either case as may appear to him proper.

Collector to defend suits instituted by individuals to hold land exempt from the payment of revenue.

Vakeel of Government to defend *or prosecute* suits instituted against, *or by* Government.

Rules to be observed by the collector in the event of Government being cast wholly, or in part.

XVI. [Courts to award costs in cases of groundless prosecution.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

XVII. If it shall appear to any Court of Judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue, dated prior to the 1st December, 1790, has been forged, or that the name of the original grantee has been erased and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased

Grants forged or altered in any respect, or antedated, declared void.

or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void, as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Persons concerned in the fraud, liable to a criminal prosecution.

XVIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case), to take his trial before the *Court of Circuit.*

XIX. [Revenue to be paid from date of first decree for resumption.] *Rescinded by Clause Second, Section II. Regulation II.* 1819.

Cases in and rules under which certain grants are to be transferable.

XX. Grants of land, which from the terms of the grant or the nature of the tenure are hereditary, and are declared valid by this Regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferable by gift, sale, or otherwise; and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the collector within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser; and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation.

Record of land specified in Section vii. adjudged liable to the payment of revenue, where to be made.

XXI. **First.* When land of the description specified in Section VII. shall be finally adjudged liable to the payment of revenue, [*the name or names of the village or villages or land included in the grant, and the measurement thereof,*] the pergunnah in which the land granted may be situated, [*the amount of the public revenue payable therefrom,*] the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, directed to be kept by Section XXXIII.; and opposite to such entry the collector is to insert, in red ink, the number of the page in the periodical register directed to be kept by Section XXII. in which the lands may stand recorded; and in the periodical register he is to specify, in red ink, the number of the page in the register of intermediate resumptions, in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section XVI. Regulation XLVIII. 1793, in order that the land may be recorded in its proper place as an estate paying revenue to Government, in the next quinquennial register which

* By Sections xi. and xii. Regulation VIII. 1800, such parts of this Regulation as require a specification in the registers of the names of villages or other subdivisions, or of the measurement and rent of the lands, are rescinded.

may be formed agreeably to the above-mentioned Regulation. The collector is to insert, in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations in which the above-required entries may be made; and he is also to specify, in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register and the register of intermediate resumptions in which the entries respecting the lands may be inserted.

Record of lands specified in Section vi. adjudged liable to the payment of revenue, where to be made.

Second. When land of the description specified in Section VI. shall be finally adjudged liable to the payment of revenue, [*the measurement of the land,*] the name of the pergunnah in which it may be situated, [*the jumma payable therefrom,*] the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions; and opposite to such entry the collector is to insert, in red ink, the number of the page in the periodical register in which the lands may stand recorded; and in the periodical register he is to insert, in red ink, the number of the page in the register of intermediate resumptions, in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. The lands mentioned in this section not being liable to the payment of revenue to Government, no entry respecting them is to be made in the register of intermediate mutations, or the quinquennial register directed to be kept by Regulation XLVIII. 1793.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made.

Third. When land now subject to the payment of revenue shall be finally adjudged to be exempted from the payment of revenue, [*the name or names of the village or villages, or land which may be so exempted, the measurement thereof,*] the pergunnah in which it may be situated, the name or names of the proprietor or proprietors, [*the amount of the jumma,*] and a copy of the decree, are to be entered in the register of intermediate mutations, and the collector is to insert, in red ink, opposite to such entry, the number of the page in the last-formed quinquennial register, in which such village or villages, or the village or villages in which the lands may be situated may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment of revenue; and the collector shall insert, in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken. The rules in this clause are to be observed, likewise, in case the Governor-General in Council should deem it proper, from particular circumstances, to renew any former grants, the land included in which may be now subject to the payment of revenue.

Rule to apply to old grants renewed by Government.

Register of lands held exempt from the payment of revenue prior to the 1st December, 1790, to be formed every five years.

XXII. That Government and its officers may, at all future periods, have in their possession a complete register of the lands throughout the provinces, held exempt from the payment of revenue under grants of the nature of those described in this Regulation; and with a view to prevent any such grants being made in future, a register of all lands, whether

exceeding or under one hundred begahs, held exempt from the payment of revenue under grants made previous to the 1st December, 1790, shall be formed every five years in each zillah. The register is to specify the denomination of each grant, whether bermooter, bishunperect, or other tenure; the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship exists, and in virtue of what right he succeeded to the grant; the date of the grant, [*the names of the village or villages comprised in the grant, or in which the land granted may be situated; the measurement, in begahs, of the village or villages, or the land included in the grant,*] and the name of the pergunnah in which the land granted may be situated. The register shall be denominated "periodical register of lands held exempt from the payment of revenue, under grants made previous to the 1st December, 1790, not being badshahee or royal grants."

Contents of the register.

Rescinded.—See note to Sec. xxi.

Denomination of the register.

Board of Revenue to prepare a form for the periodical register.

Collectors to adhere to the form.

XXIII. Upon the receipt of this Regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collectors, who are strictly enjoined to adhere to it.

See Sec. xvii. Reg. VIII. 1800.

Holders of land exempt from the payment of revenue allowed one year to register them from the time specified in Section xxv.

XXIV. All persons actually holding lands exempt from the payment of public revenue, whether exceeding or under one hundred begahs, in virtue of grants made previous to the 1st December, 1790, and whether made or confirmed by the Government of the country for the time being, or any other authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue of the zillah in which the lands may be situated.

Publication to be made, requiring all persons to register their grants.

XXV. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each zillah, upon the receipt of this Regulation, is to cause the following publication, which shall be written in the Bengal and Persian languages in Bengal and Orissa, and in the Persian language, and the Hindostanee language and Nageree character in Behar, and attested with their official seals and signatures, to be fixed up in the principal cutcherry of every proprietor and farmer of land in the zillah paying revenue immediately to Government; and of every native collector in lands held khas by Government; and where the estate of any proprietor with whom a settlement may have been concluded, or the farm of any farmer, or lands held khas, shall consist of two or more whole pergunnahs, or portions of pergunnahs, he shall cause the publication to be fixed up in the principal cutcherry in each pergunnah, or portion of a pergunnah, comprised in such estate, farm, or khas lands, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it.

See Sec. xix. Reg. VIII. 1800.

Publication.

"In conformity to Regulation XIX. 1793, every person being actually in possession of bermooter, bishunperoet, or other land now exempt from the payment of revenue, in the estate of ——, or the farm of ——, or the khas lands under the charge of ——, whether exceeding or

under one hundred begahs of the measurement of the pergunnah in which the land may be situated, and whether comprising or lying in one village, or two or more villages, and which may be held in virtue of any grant made previous to the 1st December, 1790, corresponding with the 18th Aughun, 1197, Bengal era, the 10th Aughun, 1198, Fussily, the 18th Aughun, 1198, Willaity, and whether made or confirmed by the Government of the country for the time being, or its officers, or any other authority, are required to register the following particulars respecting such lands in the office of the collector of the zillah, before the expiration of one year from the date of this publication. If any holders of such grants, who shall not so register their grants, either in person or by vakeel, with a vakalutnamah attested by two credible witnesses, and given for the express purpose of registering the grant, the lands will be considered liable to the payment of revenue, in the same manner as if they had been adjudged to be so by a final decree of a Court of Judicature. Persons having claims only to hold land exempt from the payment of revenue, but who do not now hold the lands exempt from the payment of revenue, are not to register the land so claimed by them.

"Denomination of the grant, whether bishunpereet, bermooter, or other tenure.

"Name of the grantor.

"Name of the original grantee.

"Name of the present possessor, and if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

"Date of the deed, if the grant be in writing, and if not, the date on which the grant was made.

See note to Sec. xxi.

"The name or names of the village or villages comprised in the grant, or in which the land may be situated.

"The measurement of each village, or the villages, or the land included in the grant.

"The pergunnah or pergunnahs in which the lands may be situated.

"A copy of the original grant, or other writings, under which the land may be held."

See Sec. xix. Reg. VIII. 1800.

Lands not registered within the prescribed time, declared subject to the payment of revenue, unless the Governor-General in Council shall admit them upon the register.

XXVI. If any person in possession of any such grant of land now held exempt from the payment of revenue shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant shall, by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree of a Court of Judicature, and the collector, if the land shall exceed one hundred begahs, shall proceed to assess the lands accordingly; and if it shall be under one hundred begahs, the party to whom the revenue of the land may be payable under Section VI. is empowered to assess the lands as therein directed. The Governor-General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause, to his satisfaction, for not having registered it within the limited period, and the Board of Revenue are to report to the Governor-General in Council

See Sec. ii. Reg. LVIII. 1795.

every case in which persons who may have omitted to register their grants as required may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor-General in Council, to be considered invalid.

XXVII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor-General in Council, are declared invalid, as far as regards the exemption from the payment of revenue, and the land shall be assessed with revenue as directed in Section XXVI.

Registry of lands not to be considered as an admission of the possessor's proprietary right in the soil, nor of his title to hold the land exempt from the payment of revenue.

XXVIII. It is expressly declared, however, that the registry of grants, under this Regulation, is not to be considered as an admission of the right of the person in whose name they may be registered to the property in the soil, or of his title to hold the lands exempt from the payment of revenue. Any person will be at liberty to sue him in the Dewanny Adawlut for the former, and he will be liable to be *sued* for the recovery of the latter by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that board that the lands are liable to the payment of revenue.

See Sec. 7. Reg. II. 1819.

Collectors to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscription on the back of the register.

XXIX. Upon the expiration of the period for registering the grants in each zillah, the collector is to prepare a draft of the register, in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it: "Periodical register, formed under Regulation XIX. 1793, of lands held exempt from the payment of revenue, under grants not badshahee or royal, made previous to the 1st December, 1790, in the zillah of ——, at the commencement of the year ——, Bengal (Fussily, or Willaity) era, corresponding with the year of our Lord ——, Number ——." Each leaf of the book shall be paged, and be signed by the judge of the Dewanny Adawlut of the zillah, and on the last leaf of the book he is to note, in his own handwriting, the number of pages in the book, and subscribe the note with his signature; and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

Book to be paged, and each page to be attested by the judge of the zillah.

Judge to specify the number of pages in the book on the last leaf.

Second periodical register to commence with the year 1207. To be numbered two, and the subsequent registers in their order.

XXX. The second periodical register is to commence with the year 1207 of the era current in each province. This register is to be numbered two, and the periodical registers to be prepared at the commencement of every subsequent five years, in the order in which they may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXXI. The keepers of the native records are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the Dewanny Adawlut of the zillah, in the same manner as the books containing the English registers, and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

Rescinded by Sec. xv. Reg. VIII. 1800.

In what language the counterpart registers are to be kept.

XXXII. The counterpart registers, in Bengal and Orissa, are to be kept in the [*Bengal and*] Persian language[*s;*] and in Behar, in the Persian language [*and the Hindostanee language and Nageree character*].

Manner in which resumptions and other occurrences regarding exempted lands in the intervals between the forming of the periodical registers are to be recorded.

XXXIII. For the purpose of recording all resumptions, or other occurrences respecting the lands which form the subject of this Regulation, that may take place during the interval of the five years, between the forming of each periodical register, and the particulars of which will be necessary for forming the second, and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "the register of intermediate resumptions, or other occurrences respecting grants of exempted land not badshahee;" and shall have the following inscription on the back: "Register formed under Regulation XIX. 1793, of intermediate resumptions, or other occurrences respecting lands held exempt from the payment of revenue, under grants not badshahee or royal, made previous to the 1st December, 1790, in the zillah of ——, between the commencement of the year——, and the end of the year ——, Bengal (Fussily or Willaity) era." Previous to any entries being made in this register, it is to be paged, and the judge of the Dewanny Adawlut of the zillah is to sign each leaf of it, and on the last leaf, note, in his own handwriting, the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in Section XXV. which the Governor-General in Council may order to be admitted upon the register under Section XXVI.; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land now subject to the payment of revenue, which the Governor-General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from or annexed to the jurisdiction of the zillah, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to Government, in the cases specified in Section XXI. in which entries are directed to be made in that register.

Documents respecting exempted lands to be furnished by collectors of zillahs from which separations may be made.

XXXIV. When mohauls are ordered to be separated from one zillah and annexed to another, the collector of the zillah from which the separation is to take place is to transmit to the collector of the zillah to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the lands held exempt from the payment of revenue in such mohauls, and also of any entries respecting them in the register of intermediate resumptions, which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXXV. Upon the arrival of the period when the separation is to be carried into effect, the collector of the zillah from which the separation may be directed to be made is to transmit to the Judge of the Dewanny Adawlut of his zillah, *and also to the Provincial Court of Appeal of the*

division, copies of the entries in the last periodical register and register of intermediate resumptions, which may relate to the grants to be separated from his zillah; and the collector to whose zillah the annexation may be made is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding section) to the judge of the zillah, *and to the Provincial Court of Appeal of the division* in which it may be included. Immmediately upon the receipt of these papers, the courts, from the jurisdiction of which the separations may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation may become cognizable in any other *Provincial Court of Appeal or* Zillah Court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collectors enjoined never to allow the register of intermediate resumptions to fall in arrear.

XXXVI. The collectors are to attest all entries in the register of intermediate resumptions with their official signatures; and they are strictly enjoined never to allow the register of intermediate resumptions to fall in arrear, but to make the necessary entries immediately upon any resumptions or other occurrences taking place.

Counterpart of the English register of intermediate resumptions to be kept by the keepers of the native records.

XXXVII. A counterpart of the register of intermediate resumptions is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are, in like manner, to be paged and attested by the judge of the Dewanny Adawlut of the zillah.

How errors in the fair copy of the periodical register, and in the register of intermediate resumptions, are to be corrected.

XXXVIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the zillah, as directed in Section XXIX., if it shall be discovered that the entries respecting any land are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the periodical register, the number of the page in the register of intermediate resumptions in which the errors or omissions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate resumptions in the native languages.

XXXIX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions in the country languages shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Persons in possession of disputed grants to be registered as the proprietors.

XL. If the proprietary right in any grant of exempted land shall be under litigation in a court of justice, at the time of forming the first or

any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

XLI. If a collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose, under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper, on a consideration of his situation and circumstances in life and of the case, until he shall furnish the information required; unless he shall prove, to the satisfaction of the board, that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collectors in the several zillahs with such records or information as they may possess regarding the exempted lands in their respective zillahs, as well to assist them in preparing the first periodical register and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands, now held exempt from the payment of revenue, are liable to the payment of revenue under this Regulation.

Board of Revenue to furnish the collectors with all papers and information they possess regarding the exempted lands in their respective zillahs.

See Secs. xv. and xvi. Reg. VIII. 1800.

To whom the collectors are to send copies of each periodical register, and of the quarterly entries in the registers of intermediate resumptions.

XLII. The collectors of the several zillahs are to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the Dewanny Adawlut of the zillah, in the same manner as the original register, as directed in Section XXIX., and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, and Willaity year (according to the era current in their respective districts), an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months. [*The collector of each zillah is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judge of the Dewanny Adawlut of the zillah, and to the Provincial Court of Appeal, in the jurisdiction of which the zillah may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers of each zillah, and of the quarterly entries in the registers of intermediate resumptions, as soon as they may receive them from the collectors.*]

Rescinded by Sec. xv. Reg. VIII. 1800.

Courts, the Board of Revenue, and the collectors, to be careful to preserve the old periodical registers and registers of intermediate resumptions.

XLIII. The Courts of Judicature, the Board of Revenue, and the collectors are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XLIV. The periodical register which is to be formed in each of the zillahs in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another zillah, and with the addition of any such grants of land that may have been annexed to the zillah, or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor-General in Council under Section XXVI. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XLV. If it shall be proved, to the satisfaction of the judge of the Dewanny Adawlut of any zillah, that a native officer of a collector, or of an assistant to a collector, shall have received, directly or indirectly, any sum of money or effects, or other property, from any person for registering a grant under this Regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependants of a collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XLVI. If any native servant or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the Court of Dewanny Adawlut of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount or it shall be realized from the sale of his property; and the collector or assistant is to discharge such servant, and never to employ him in his public or private capacity.

Rules respecting life grants, applicable to grants for a term.

XLVII. All the rules in this Regulation respecting lands now held, or that may be claimed to be held exempt from the payment of revenue, under life grants made previous to the date of the Company's accession to the dewanny, are to be considered equally applicable to grants made previous to that date for a term only.

Grants made or confirmed by the late superintendents of the bazee-zemin dufter in Bengal not to be annulled by this Regulation.

XLVIII. No part of this Regulation is to be considered to annul any grants for holding land exempt from the payment of revenue, made or confirmed by the late superintendents of the bazee-zemin dufter in Bengal, in virtue of the powers vested in them.

XLIX. Nor to extend to jaghire, altumgah, muddud-maash, aymah, or other grants of land termed badshahee or royal, and held, or stated to be held, under a royal firmaun. The rules applicable to such grants are contained in Regulation XXXVII. 1793.

Regulation not to be considered to extend to badshahee grants.

A.D. 1793. REGULATION XX.*

Reg. XX. 1793.

A REGULATION *for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

* This Regulation has ceased to have effect since the passing of the Statute 3 & 4 William IV. cap. 85.—See Sections 52, 53, and 54, which devolve on the Indian Law Commission the duties provided for in this Regulation.

A.D. 1793. REGULATION XXI.

Reg. XXI. 1793.

A REGULATION *for establishing in each Zillah an Office for keeping the Records in the Native Languages which relate to the public Revenue, and prescribing Rules for the Conduct of the Keepers of the Records:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

I. THE public revenue payable from estates with the proprietors of which a settlement has been or may be concluded, being declared fixed in perpetuity, it becomes essential to the future security of the dues of Government and of the rights and property of individuals, that all accounts and papers regarding the decennial settlement, the allotment of the revenue on the shares of estates that may be divided, as well as all other documents in any respect relating to the public demand upon the lands, should be carefully preserved. For this purpose, and to facilitate reference to the revenue records, the following rules have been enacted.

II. An office shall be established in each zillah for keeping all records and papers in the native languages, which in any respect relate to the public revenue.

Office for keeping revenue records in the native languages established in each zillah.

See Secs. vi. and xvii. Reg. VIII. 1800.

III. The office shall be superintended by two natives, who shall form a part of the establishment of the collector, and shall be styled "Keepers of the revenue records in the native languages." They shall be appointed

Office to be superintended by two natives, who are to hold their appointments

during their good behaviour

Office declared not hereditary.

by the Governor-General in Council, and shall not be removable but for misconduct proved to his satisfaction. The office, however, is expressly declared not to be hereditary.

See Sec. x Reg. V. 1804, and Sec. x Reg VIII. 1809.

Register to be kept of the accounts and papers,

in a book to be paged, and to be attested by the judge of the zillah.

Existing accounts and records to be first entered.

IV. The keepers of the records are to keep a register, in the Bengal and Persian languages in Bengal and Orissa, and in the Persian language in Behar, of all accounts, papers, and documents, in any respect relating to the public revenue, in a book or books which shall be paged, and each leaf of which shall be attested by the judge of the Dewanny Adawlut of the zillah, and who shall insert in his own handwriting, on the last leaf of each book he may so attest, the number of pages contained in it. The accounts and papers now deposited in the several zillahs are to be first entered in the register, and the keepers of the records are to prepare a list of them, for that purpose, immediately upon the receipt of this Regulation.

Keepers of the records to indorse and attest upon the back of every paper the number of the page in which it may be registered.

V. The keepers of the records, or one of them, shall indorse on the back of every paper which may be registered, the number of the page in which it may be registered, and attest the indorsement with his or their official signature.

Keepers of the records to be careful they are not destroyed by insects, damp, or otherwise.

VI. The keepers of the records are to be careful that the accounts and other records are not destroyed by insects, damp, or otherwise, and that they are not removed from the office of the collector without his express orders.

To be liable to dismission if papers are destroyed, or they cannot give a satisfactory account of them.

VII. If any papers or records entered in the register shall be destroyed, in consequence of the neglect or any omission of the keepers of the records, or if any such records or papers shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their office.

Keepers of the records to attend to all rules regarding their office, prescribed by any Regulation printed and published in the manner directed in Regulation XLI. 1793.

VIII. The keepers of the records are enjoined to attend to all rules or orders respecting the duties of their office, which may be prescribed to them by any Regulation printed and published in the manner specified in Regulation XLI. 1793, and also to any directions respecting the better keeping, preserving, or registering the accounts and other records of the zillah, which may be issued to them by the collector, under whose superintendence they are to perform the duties of their office.

A.D. 1793. REGULATION XXII.*

Reg. XXII. 1793.

A REGULATION *for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor-General in Council on the 7th December,* 1792, *for the Establishment of an efficient Police throughout the Country:* PASSED *by the Governor-General in Council, on the* 1*st May,* 1793.

I. THE establishment of an efficient police throughout the country, whereby offenders may be deprived of all hope of eluding the pursuit of the officers of justice, being as essential towards deterring people from committing crimes as the speedy and impartial trial of offenders when apprehended; and the clause in the engagements of the landholders and farmers of land, by which they were bound to keep the peace, and in the event of any robbery being committed in their respective estates or farms, to produce both the robbers and the property plundered, having not only been found nugatory, but in numerous instances proved the means of multiplying robberies and other disorders, from the collusion which subsisted between the perpetrators of them and the police officers entertained by the landholders and farmers of land, in virtue of the clause above mentioned; the Governor-General in Council, with a view to afford that protection to the persons and property of the people which is so necessary to their happiness and to the public welfare, was pleased to pass certain Regulations on the 7th December, 1792. Those Regulations are now re-enacted with alterations and amendments.

See Sec. v. Reg. XVIII. 1805, and Reg. XIII. 1833.

Police to be under the exclusive charge of officers appointed by Government.

Landholders and farmers not to keep up police establishments.

II. The police of the country is, in future, to be considered under the exclusive charge of the officers who may be appointed to the superintendence of it on the part of Government. The landholders and farmers of land who were bound to keep up establishments of tannahdars and police officers for the preservation of the peace are accordingly required to discharge them, and all landholders and farmers of land are prohibited entertaining such establishments in future.

See Reg. VI. 1810, and Sec. iv. Reg. III. 1812.

Landholders and farmers not to be held responsible for robberies, except in the cases herein specified.

III. Landholders and farmers of land are not, in future, to be considered responsible for robberies committed in their respective estates or farms, unless it shall be proved that they connived at the robbery, received any part of the property stolen or plundered, harboured the offenders, aided or refused to give effectual assistance to prevent their escape, or omitted to afford every assistance in their power to the officers of Government for their apprehension; in either of which cases they will be subject to be prosecuted personally for the crime or offence before the *Court of Circuit,* and if convicted, their lands and effects will be liable to be sold, at the discretion of the Governor-General in Council, to make good the value of the property stolen or plundered to the owner.

See Act XVI. 1850.

* The rules for the general operations of the police establishment were consolidated and enlarged by Regulation XX. 1817.

Zillahs to be divided into police jurisdictions.

Their extent.

To be guarded by a darogah and officers, who, except in certain cases, are to be stationed in the centre of the jurisdictions.

In all practicable cases, jurisdictions to be so formed as to render the principal towns, &c. central.

IV. The magistrates are to divide their respective zillahs, including the rent-free lands, into police jurisdictions. Each jurisdiction is to be ten coss square, except where local circumstances shall render it advisable to form all or any of the jurisdictions of greater or less extent. The guarding of each jurisdiction is to be committed to a darogah or superintendent, with an establishment of officers. The darogahs with their establishments are to be stationed in the centre of their respective jurisdictions; unless for special reasons it shall be thought expedient, in particular instances, to fix them in any other situation: and the magistrates are directed to endeavour to form the jurisdictions in such a manner as to bring the principal towns, bazars, and gunges, in the centre of them, that the police establishments may serve for the protection of these principal places, as well as the circumjacent country.

Jurisdictions to be numbered, and how to be named.

Names and numbers not to be changed without the sanction of Government.

V. The police jurisdictions are to be numbered, and to be named after the places at which the darogahs and their establishments may be stationed. The magistrates are not to change the names or numbers of the jurisdictions, nor to alter the limits of them, without the sanction of the Governor-General in Council.

Magistrates to appoint the darogahs.

Who are not to be removed, but for incapacity or misconduct proved to the satisfaction of Government.

Security required to qualify a person for the office of darogah.

VI. The magistrates are to nominate the darogahs in the first instance, and to fill up all future vacancies. They will, in consequence, be held responsible for selecting persons duly qualified for the trust. *But no darogah is to be removed from his office except upon proof of incapacity or misconduct, to the satisfaction of the Governor-General in Council*; and no person is to be appointed a darogah without giving security for his appearance in the amount of one thousand rupees, himself in five hundred and two responsible persons in two hundred and fifty each. Whenever the magistrates shall deem any darogah disqualified for his station, either from incapacity, misconduct, or other cause, they are empowered to suspend him, and to appoint a person to officiate pro tempore in his room, *reporting immediately the grounds of his suspension to the Governor-General in Council, who will determine whether he shall be removed or continue in his office.*

Modified by the rules in Sec. vii. Reg. XVII. 1816, and Sec. iii. Reg. XX. 1817.

VII. to IX. [Duties of darogahs.]—*Rescinded by Clause First, Section II. Regulation XX.* 1817.

Darogahs to apprehend and send to the magistrate notorious robbers, dacoits, vagrants, and suspected persons.

Magistrate how to proceed with vagrants and suspected persons.

X. [*The darogah, upon receiving information of any notorious dacoits, or robbers, harbouring within his jurisdiction, shall apprehend them, and forward them under safe custody to the magistrate. He shall likewise apprehend and send to the magistrate all geedur-mars, malacheas, syr-bejuas, or other descriptions of vagrants or suspected persons who may be lurking about his jurisdiction without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves.*] The magistrate shall examine, on *oath*, such vagrants or suspected persons, and also any persons who may have a knowledge of their usual place of residence, occupation, or mode of obtaining their livelihood; and if there shall appear to him grounds for supposing that they are disorderly or ill-disposed people, he shall employ them in repairing the public roads, or upon any other public work, until they find a security for their good behaviour in case of their being

Rescinded by Cl. 2, Sec. ii. Reg. XX. 1817.

See Act V. 1848.

discharged, or until some creditable persons shall agree to entertain them in their service, or the magistrate shall be satisfied, from their deportment whilst in his custody or other circumstances, that they will of themselves take to some service or employment, so as to obtain an honest livelihood, in either of which cases the magistrate shall discharge them. If any person so apprehended shall make his escape from the custody of the magistrate before he is regularly discharged, and shall be re-apprehended, he shall be imprisoned and kept to hard labour for six months.

Punishment for vagrants or suspected persons escaping from the custody of the magistrate.

XI. to XV. [Duties of darogahs and inferior officers of police.]—*Rescinded by Clause First, Section II. Regulation XX.* 1817.

See Sec. iii. Reg. XVI. 1810, and Cl. 2, Sec. xii. Reg. XVII. 1816.

A concurrent jurisdiction vested in the magistrates *and the police officers* of the several zillahs, in particular cases and under certain restrictions.

XVI.* A concurrent jurisdiction is vested in the magistrates of the several zillahs, and the cities of Patna, Dacca, and Moorshedabad, *and their police officers*, in the cases and under the restrictions following; viz. [*the darogahs and police officers subject to the authority of the magistrate of the zillah are empowered, either under his warrant, or without such warrant, to pursue persons charged with crimes or misdemeanors into the jurisdiction of other darogahs, whether subject to the same magistrate as themselves, or to the magistrate of any other zillah or either of the cities*]. The magistrates, *darogahs, police officers*, landholders, farmers, gomastahs of villages, cultivators of land, and all other persons having authority or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance in their power to the pursuing officers for the apprehension of the offenders. It is to be understood, however, that this concurrent authority vested in the magistrates *and their police officers* is to extend only to cases in which the crime or misdemeanor shall have been committed within their respective jurisdictions, or (in the event of the crime having been committed in any other jurisdiction) where the offender was actually within their jurisdiction when the charge against him was preferred to them. And it shall not be lawful for the magistrate *or darogah* of one zillah or jurisdiction to issue a warrant for the apprehension of any offender being or residing in another zillah or jurisdiction at the time of the complaint being preferred to them, for any crime or misdemeanor not committed within the limits of their respective jurisdictions. In such case, the complainant must apply in the first instance, to the magistrate of the zillah, *or to the darogah* of the jurisdiction in which the crime or misdemeanor shall have been committed, or in which the offender may reside or be found.

XVII. to XIX. [Duties of darogahs and inferior officers of police.]—*Rescinded by Clause First, Section II. Regulation XX.* 1817.

Duties of the darogahs with regard to the boats prohibited to be built, used, or transferred without a written authority from the magistrate.

XX. The darogahs are to seize all boats built, used, or transferred, in opposition to the rules contained in this section, and to apprehend and send to the magistrate the artificers employed in repairing or building such boats, and to report to him the name of the proprietor of the village in which they may have been built or repaired, that the penalties hereafter specified may be enforced against him.

* So much of this section as respects darogahs, or other subordinate officers of police, is rescinded by Clause 2, Section ii. Reg. XX. 1817; and see Section xxii. of that Regulation.

Description of the prohibited boats.

First. All persons are prohibited building or making use of boats of the following denominations and dimensions, or of boats of any other denominations, being of the same dimensions, without previously obtaining from the magistrate the written authority hereafter directed.

	Covids length.	Covids breadth.
Luckhas	40 to 90	... $2\frac{1}{2}$ to 4
Jelkas	30 to 70	... $3\frac{1}{2}$ to 5

Paunsways of Chandpore carrying more than thirty oars.

Cases in which the magistrates are to seize and confiscate prohibited boats.

Second. The magistrates are directed to seize and confiscate all boats of the foregoing descriptions, which may be built, used, or transferred within the limits of their respective jurisdictions, without written authority from them for that purpose.

Proprietors of land allowing prohibited boats to be built or repaired in their estates without due authority, to forfeit the village in which they may be built or repaired.

Third. Any zemindar or other landholder allowing any boat, of either of the descriptions above specified, to be built or repaired within the limits of his zemindarry, unless a writing shall be produced to him, under the seal and signature of the magistrate of the zillah, authorizing the building or using of such boats, shall forfeit to Government the village in which such boat shall be proved to have been so built or repaired.

Punishment for artificers building or repairing boats, the building or using of which may not have been authorized by the magistrate.

Fourth. All carpenters, blacksmiths, or other artificers, are prohibited engaging for, or being employed in the building or repairing of boats of the descriptions above mentioned (unless the person offering to employ them shall produce a writing, under the seal and signature of the magistrate, authorizing the building or using of such boat), under pain of being committed to close imprisonment for any period not longer than one month, or *suffering corporal punishment not exceeding twenty strokes with a rattan.* The magistrates are empowered to cause artificers who may be proved to have offended against the prohibition contained in this clause, to be punished in the manner and under the limitations directed, according to the circumstances of the case. See Reg. II. 834.

Magistrates empowered to grant written licenses for building, using, or transferring prohibited boats under certain restrictions.

Fifth. The magistrates are empowered to authorize any person to build or use boats, of the dimensions or descriptions above prohibited, for the purposes of trade, or of conveying themselves from place to place by water, or for recreation; but such authority is to be given in writing, under his official seal and signature, and is constantly to remain with the person to whom the building of the boat may be committed whilst the boat is building, or on board of the boat in charge of some person after it is built, otherwise the boat shall be liable to seizure and confiscation, notwithstanding such writing, in the same manner as if the boat had been built and used without such authority. The magistrates are to be careful not to grant licenses to build or use boats of the above denominations or dimensions, excepting to persons whom they may be satisfied will not allow them to be employed for any improper purposes. All persons desirous of building or using boats of the prohibited dimensions and descriptions, or to sell or transfer them, are to apply to the magistrate of the zillah for a written authority for that purpose. The magistrates shall cause this section to be subjoined to all the written authorities which they may grant for the building or using the boats in question; and the sanction for the sale or transfer of such boats shall be endorsed on the original authority for building or using them.

XXI. [Duties of darogahs.]—*Rescinded by Clause First, Section II. Regulation XX.* 1817.

XXII. If the darogah of a jurisdiction, or any officer under his authority, shall be guilty of corruption, extortion, or oppression, or commit any act repugnant to this Regulation, the party injured is hereby permitted to prosecute him, either criminally before the *Court of Circuit*, or for damages in the Dewanny Adawlut. The judges of the above-mentioned courts are required to take cognizance of all such prosecutions or suits as may be brought before them under this Regulation, and to pass such sentence or decree as may appear to them equitable, upon a consideration of the circumstances of the case.

Darogahs liable to prosecution in the Civil and Criminal Courts, for all official acts not warranted by this Regulation.

See Cl. 2, Sec. iii. Reg. XX. 1817.

XXIII. The magistrates of the zillahs in Bengal and Orissa are to furnish the darogahs of the several jurisdictions with sunnuds of office, and translates of this Regulation in the Persian and Bengal languages. The magistrates of the zillahs in Behar are to deliver to the darogahs sunnuds and translates of this Regulation in the Persian language, and in the Hindostanee language and Nageree character. These sunnuds and translates are to be attested with the official seal and signature of the magistrate.

Magistrates to furnish the darogahs with sunnuds of office and translates of this Regulation.

XXIV. The rules contained in the following sections are prescribed for the establishment of an efficient police in the cities of Patna, Dacca, and Moorshedabad.

Rules regarding the police of the cities of Patna, Dacca, and Moorshedabad.

XXV. The magistrates of the cities of Patna, Dacca, and Moorshedabad, and their police officers, are vested with a concurrent authority in their respective jurisdictions, and with the magistrates of the several zillahs under the rules and restrictions prescribed in Sections XVI. and XVII. respecting the concurrent jurisdiction vested in the magistrate and the police officers of each zillah, and the magistrates and police officers of other zillahs, and of the cities of Patna, Dacca, and Moorshedabad.

Cases in which the magistrates of the three cities and their police officers are vested with a concurrent authority in their respective jurisdictions, and in the jurisdictions of the magistrates of the several zillahs.

XXVI. The magistrates of the cities of Patna, Dacca, and Moorshedabad, shall divide the cities and the places adjacent, which are subject to their respective jurisdictions, into wards. Each ward shall be guarded by a darogah with a proper establishment. [*The darogahs shall be subject to the immediate authority of the cutwal of the city.*]*

Magistrates of the three cities to divide the cities into wards.

Each ward to be guarded by a darogah and establishment, *subject to the cutwal of the city.*

XXVII. The wards shall be numbered and named, and the magistrates shall not change the names or numbers of the wards, or alter their limits, without the sanction of the Governor-General in Council.

Wards to be numbered and named Names and numbers of the wards not to be changed without the sanction of Government

XXVIII. The rules prescribed in Section VI. respecting the darogahs of the jurisdictions in the zillahs are to be held applicable to the [*cutwals* and the*] darogahs of the wards in the cities of Patna, Dacca, and Moorshedabad, [*provided that no person shall be appointed cutwal of either of the cities of Patna, Dacca, and Moorshedabad, unless he shall give security for his appearance in the amount of five thousand rupees, himself in two thousand five hundred, and two responsible persons in one thousand two hundred and fifty each*].*

Rules in Section vi. to be applied to the *cutwals and* darogahs of the three cities, *with an additional provision regarding the security necessary to qualify a person for the office of cutwal*

XXIX. The jemadars of the establishments of the several wards, with

Rules for patrolling the city at night.

* The office of cutwal was abolished in the three cities by Regulation XIII. 1814.

one-half of the establishments, shall patrol their respective wards, without intermission, from sunset until twelve o'clock at night. The darogahs, with the other half of their establishments, shall patrol their respective wards, without intermission, from twelve o'clock at night until daylight. The patrols are to move about as silently and with as little noise as possible, that thieves and other disorderly persons may never be apprized of their approach. The patrols of the several wards are to be furnished with a singharah or horn, which they are to sound when they meet with robbers or other persons guilty of a breach of the peace, and have occasion to give the alarm to the other patrols or to the inhabitants of the ward, that they may co-operate to the apprehension of the offenders, but not otherwise. [*The cutwal is to be careful that the darogahs and their officers perform the essential duties prescribed in this section regularly and properly, and to report to the magistrate every instance in which they may be guilty of negligence or misconduct in the discharge of them.*]*

Cutwals to be careful that they are observed.

Mohullahdar and mohullahdarin to be appointed to each ward.

Their duties.

XXX. To assist the darogahs in obtaining the earliest intelligence of any robbers or other offenders that may be concealed or have taken up their residence within their respective wards, a mohullahdar and mohullahdarin shall be appointed to each ward; subject, however, to the orders of the darogahs, to whom they shall convey immediate information of any offenders that may be found in their respective wards.

What descriptions of persons the *cutwals and* darogahs are to apprehend, and how they are to proceed with them when apprehended.

See Sec. xx. Reg. XX. 1817.

XXXI. It shall be the duty of the [*cutwals** *and of the*] darogahs of the wards to apprehend all murderers, robbers, housebreakers, thieves, and persons charged with, or suspected of crimes or misdemeanors, and all vagrants who may be lurking about their respective wards without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. [*All such persons, who may be apprehended by the darogahs between sunrise and sunset, shall be conveyed to the cutwal's office immediately upon their apprehension. If any such persons shall be apprehended between sunset and sunrise, they shall be conveyed to the cutwal's office early in the morning after the night on which they may have been apprehended. The cutwal shall every morning, by eleven o'clock, take before the magistrate all persons who may have been apprehended by him or the darogahs during the preceding night or day.*] The [*cutwals and*] darogahs are prohibited detaining any persons whom they may have apprehended in custody beyond the time above prescribed.

Cutwals and darogahs not to discharge persons once apprehended, *except in the cases and under the restrictions herein specified.*

Rescinded by Sec. ii. Reg. VII. 1811, and see Sec. xii. Reg. XX. 1817.

XXXII. The [*cutwals** *and*] darogahs of the ward shall not discharge any persons whom they may have once apprehended without receiving orders from the magistrate for their release, [*excepting persons who have been apprehended for petty assaults or other matters, theft excepted, upon which the magistrates are empowered to pass sentence; in which cases the cutwals and darogahs are permitted to discharge the defendants, provided that, previous to the time prescribed for carrying them before the magistrate, the complainants shall voluntarily deliver a razeenamah or writing desiring to withdraw the complaint, and the defendants shall, of their own accord, execute a similar writing agreeing to the complaint being withdrawn. These razee-*

* See note in preceding page.

namahs shall be attested by two creditable witnesses, and shall be transmitted on the morning following the night or day on which they may have been executed by the darogahs to the cutwal, who shall submit them on the morning on which he may have received them, together with any such writings relating to similar cases that may have been entered into before him in the preceding night or day, to the inspection of the magistrates.

XXXIII. The magistrates are to proceed with vagrants or suspected persons who may be brought before them, in the same manner as the magistrates of the zillahs are directed to deal with them in Section X.

Magistrates of the cities to proceed with vagrants and suspected persons in the same manner as the magistrates of the zillahs.

XXXIV. The duty of the darogahs of the wards [*and cutwals,*] with regard to persons charged with crimes or misdemeanors, is confined to apprehending them and causing them to be carried before the magistrate, as above prescribed. The [*cutwals and*] darogahs are not to inquire into or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment on the complainants, or on the accused, or on any other persons whomsoever.

Further definition of the duties of the *cutwals and* darogahs with regard to persons apprehended.

XXXV. The rules respecting boats contained in Section XX. are to extend to the cities of Patna, Dacca, and Moorshedabad, and the magistrates and their police officers are to conform thereto. The police officers are likewise vested with the same powers for conveying letters as are given to the darogahs of the zillahs in Section XV.

Rules respecting letters in Section xv. and boats in Section xx. to extend to the three cities.

XXXVI. The [*cutwals and the*] darogahs of the wards of the three cities shall receive the same reward for the apprehension of dacoits, and for the recovery of property stolen or plundered, as is granted to the darogahs of the zillahs by Section XVIII.

Cutwals and darogahs to be allowed the same rewards and commission as the darogahs of the zillahs in Section xviii.

XXXVII. The darogahs of the wards in the three cities shall perform the same duties as are prescribed to the darogahs of the zillahs in Section XIX.

Darogahs of the wards to perform the same duties as are prescribed to the darogahs of the zillahs by Section xix.

XXXVIII. The [*cutwals and the*] darogahs of the wards in the cities of Patna, Dacca, and Moorshedabad, and the officers under their authority, shall be liable to prosecution in the Civil or Criminal Courts for acts of oppression, corruption, or extortion, or any acts not warranted by this Regulation, in the same manner as the darogahs of the zillahs and their officers, as prescribed in Section XXII.

Police officers of the cities liable to prosecution for illegal acts, in the same manner as the darogahs of the zillahs by Section xxii.

XXXIX. The magistrates of the cities of Dacca and Moorshedabad are to furnish the [*cutwals and*] darogahs of the wards in their respective jurisdictions with sunnuds of office and translates of this Regulation, in the Persian and Bengal languages. The magistrate of Patna is to furnish the [*cutwal and the*] darogahs of the wards in his jurisdiction with sunnuds of office and translates of this Regulation, in the Persian language and in the Hindoostanee language and Nageree character. The sunnuds and translates above mentioned are to be attested with the official seal and signature of the magistrates.

Magistrates of the cities to furnish the *cutwals and* darogahs with sunnuds of office and translates of this Regulation.

Reg. XXIII. 1793.

A.D. 1793. REGULATION XXIII.

A REGULATION *for raising an Annual Fund for defraying the Expense of the Police Establishments entertained under Regulation XXII.* 1793: PASSED *by the Governor-General in Council, on the* 1*st of May*, 1793.

[Rescinded by Section II. Regulation VI. 1797.]

Reg. XXIV. 1793.

A.D. 1793. REGULATION XXIV.*

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor-General in Council on the* 10*th June*, 1791, *for determining the Continuance or Discontinuance of the Pensions heretofore paid by the Proprietors and Farmers of Land, but included in the Jumma or Revenue payable to Government at the decennial Settlement, and also of the Pensions heretofore paid from the Sayer abolished:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

I. THE following rules are prescribed for determining the continuance or discontinuance of the pensions heretofore paid by the proprietors and farmers of land, but included at the decennial settlement in the jumma or revenue of Government, and also the pensions heretofore paid from the sayer abolished, and for securing to persons adjudged entitled to pensions under this Regulation the regular payment of their pensions.

What pensions are to be continued.

II. All pensions received by virtue of sunnuds granted previous to the Company's accession to the dewanny, or since granted with the sanction of Government, shall be continued during the lives of the grantees. In instances in which the amount received may have been less than the amount specified in the sunnud, the former only is to be continued as heretofore.

What to be discontinued.

III. No pensions received without a sunnud, or under sunnuds granted since the Company obtained the dewanny, without the sanction of Government, shall be continued, unless the persons receiving the pensions be real objects of charity, or unless they received them before the commencement of the Bengal, Fussily, or Willaity year 1179 (in Bengal, Behar, and Orissa, respectively), and have since continued to receive them; in which

* It is enacted by Sections ii. and iii. Regulation XXII. 1806, that collectors shall submit their proceedings on all claims to pensions for the decision of the Board of Revenue; and by Section ii. Regulation XI. 1813, that no pensions shall be paid after the 1st October, 1813, unless the claimants prove their right to the same before the revenue authorities.

case, the pensions heretofore received are to be continued during the lives of the present pensioners.

See Sec. vii. Reg. XXII. 1806.

Pensions not to be continued to descendants of original grantees without the sanction of the Governor-General in Council.

IV. If the persons to whom the pensions were originally granted be deceased, the allowances are not to be continued to their heirs or descendants without the sanction of the Governor-General in Council; and no pension, after the death of the party now entitled thereto, shall be hereafter continued to his descendants without the like sanction, whether the grant be, according to the terms of it, hereditary or otherwise.

Claims to pensions to be preferred to the collector of the zillah,

and decided on by him to the amount of fifty sicca rupees per annum; subject to appeal to the Board of Revenue and the Governor-General in Council.

Superseded by Sec. iii. Reg. XXII. 1806.

V. All persons deeming themselves entitled to pensions heretofore paid by proprietors or farmers of land, and now included in the jumma of Government, or to pensions heretofore received from the sayer abolished, are required to prefer their claims to the collector of the zillah in which they received the pensions. *The collector, under the rules above laid down and such as may be hereafter prescribed, is authorized to decide on the claims preferred to him, to the amount of fifty sicca rupees per annum, but no further, subject to an appeal, within one month from the date of the decision, to the Board of Revenue; and to a further appeal from their decision, within the same period, to the Governor-General in Council.*

See Sec. iv. Reg. XXII. 1806.

Collectors to keep separate proceedings, and submit a monthly abstract to the Board of Revenue.

VI. The collectors are to keep separate proceedings on the subject of the pensions to which this Regulation relates, and submit a monthly abstract of them to the Board of Revenue.

Modified by Secs. iii. and vii. Reg. XXII. 1806

To submit proceedings on pensions *exceeding fifty sicca rupees per annum*, with opinion, to the Board of Revenue, for the orders of the Governor-General in Council.

VII. The collectors are to transmit their proceedings on all claims to pensions *exceeding fifty sicca rupees per annum*, including their opinion on each case, to the Board of Revenue, who are to submit the proceedings, with their sentiments on the several claims, for the orders of the Governor-General in Council.

No pensions to be paid until decreed.

Judgments of collectors for pensions to be reported to the Board of Revenue.

VIII. The collectors are restricted from paying any pensions not already authorized, until *they or* the Board of Revenue shall have decreed a right thereto, agreeably to Section V., or shall have received notice of their being allowed by the Governor-General in Council under Section VII.; *and on passing a judgment for any pension, they are immediately to report the same to the Board of Revenue.*

To what pensions these rules are not applicable.

IX. These rules are not to be considered to apply to any pensions excepting such as were heretofore paid by the landholders, and are now included in the jumma of Government, or which were received from the sayer abolished.

See note at beginning.

Certificates to be delivered to persons to whom pensions may be adjudged.

X. The collectors, *on adjudging any pension not exceeding fifty sicca rupees per annum, or* on receiving intimation of the decision of the Board of Revenue, *on appeal*, for a pension not exceeding this sum, or on being informed of the Governor-General in Council having ordered the continuance of pensions of a larger amount referred to him, shall deliver to the party entitled to the pension adjudged a certificate stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and whether admitted *by himself*, by the

Board of Revenue, or by the Governor-General in Council, with the date of such admission.

Also for pensions already authorized.

XI. A similar certificate is also to be given for all such pensions as may have been authorized by the Governor-General in Council, and for which certificates may not have been already granted.

Register of certificates to be kept.

XII. The collectors, at the time of granting the certificates ordered in Sections X. and XI. are to number and register them in an English and Persian register to be kept for this purpose; and they are to be careful to note therein, also, such personal identifications of the parties receiving the certificates, as may detect any future attempt to transfer them to others.

Pensions to be paid quarterly.

XIII. The annual amount of the pensions is to be issued in quarterly proportions, viz. on the last day of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, and Willaity years, respectively, for the preceding three months.

Rule for payment of pensions exceeding fifty rupees per annum, by the collectors.

XIV. All persons receiving pensions exceeding fifty sicca rupees per annum are to attend the collectors in person at the stated periods, to receive the amount of their respective pensions, and the collectors are prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collectors, on being satisfied of the inability of the parties to attend in person, are permitted to issue the pensions to their authorized vakeels; but they are to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, they are to ascertain whether the party who received it be deceased, and report accordingly.

See Secs. iv. and v. Reg. XI. 1813.

XV. XVI. [What officers are to pay the pensions.]—*Rescinded by Section V. Regulation XI.* 1813.

Courts of judicature not to take cognizance of claims to pensions;

XVII. The pensions and allowances to which this Regulation relates being gratuitous, the determining upon the continuance or discontinuance of them under the rules prescribed is reserved to *the collectors*, the Board of Revenue, and the Governor-General in Council, and claims to such pensions and allowances are declared not cognizable in any Court of Judicature; but if a collector or a cauzy, or any person entrusted with the payment of pensions under this Regulation, shall withhold from any pensioner the pension to which he or she may be entitled, in virtue of a certificate granted under Section X. or XI., the collector or person withholding the pension shall be liable to be sued for such act in the Dewanny Adawlut of the zillah or city in which the pension may be payable. The court, provided proof be made to its satisfaction that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause, to the satisfaction of the court, for having withheld the pension, the court is to order it to be discharged, and compel the

See Sec. ix. Reg. XXII. 1806.

but they may hear complaints against a collector, or any person, for withholding the payment of pensions which may have been adjudged.

See Reg. II. 1814.

collector or other person by whom the pension may have been withheld to pay to the complainant such sum for costs as may appear to it equitable.

A. D. 1793. REGULATION XXV.

Reg. XXV. 1793.

A REGULATION *for the Division of Estates paying Revenue to Government, and for allowing two or more Proprietors of Shares of an Estate to hold their Shares as a joint undivided Estate:* PASSED *by the Governor-General in Council, on the* 1*st May,* 1793.

[Rescinded by Section II. Regulation XIX. 1814.]

A. D. 1793. REGULATION XXVI.

Reg. XXVI. 1793.

A REGULATION *for extending the Term of Minority of Mahomedan and Hindoo Proprietors of Land paying Revenue to Government to the Expiration of the eighteenth Year:* PASSED *by the Governor-General in Council, on the* 1*st May,* 1793.

I. BY the original rules for the decennial settlement of the three provinces, minors were declared disqualified for the management of their estates, and according to the rules for the establishment and guidance of the Court of Wards passed on the 15th July, 1791, and re-enacted with modifications by Regulation X. 1793, the minority of proprietors of land is limited to the expiration of the fifteenth year. In fixing this period, Government were guided solely by legal considerations, the Mahomedan and Hindoo laws, although they prescribe no specific age for the termination of minority, indirectly pointing out the fifteenth year as the time when persons are to be considered competent to the management of their affairs. Instances, however, have recently occurred, that evince the inexpediency of vesting proprietors with the charge of their lands at this early period; and general principles, which have their foundation in human nature, justify the conclusion, that the same effects would result in similar cases that might hereafter occur, were the cause allowed to exist. At this early age, the proprietors must necessarily be unacquainted with the laws and regulations which they are bound to observe in the management of their estates, and their understanding cannot be sufficiently matured to render them sensible that their welfare depends upon their making the acquirement of this knowledge the chief object of their pursuit. Emancipated from the control of their guardians, and with their property at their disposal, they abandon themselves to those pleasures to

which their youth naturally inclines them; the management of their estates consequently devolves to favourites or dependants, who are interested in confirming them in habits of dissipation, until they have lost both the capacity and inclination to assume the direction of their own affairs. But the pernicious consequences resulting from the incapacity of the proprietors are not confined to themselves. The cultivators of the soil, and the various orders of people residing upon their lands, suffer equally by the rapacity and mismanagement of their agents, the payment of the public revenue is withheld, and the improvement of the country retarded. It is therefore incumbent on Government, as well with a view to the future welfare of the proprietors of land in general, as to protect the country from the frequent shocks to which it would necessarily be liable from their want of education and early corruption of morals, to extend the term of their minority to an age by which, with due attention on the part of their guardians, they may be rendered qualified for the management of their estates. The following rules have been accordingly enacted.

Period of minority extended to the end of the eighteenth year.

II. The rule contained in Section XXVIII. Regulation X. 1793, which limits the minority of Hindoo and Mahomedan proprietors of estates paying revenue to Government to the expiration of the fifteenth year, is hereby rescinded, and the minority of such proprietors is declared to extend to the end of the eighteenth year.

Rule declared to extend to male proprietors of joint undivided estates.

III. The rule contained in the preceding section is to be considered to extend to proprietors of joint undivided estates, *for the management of which a serberakar or manager is required to be appointed by the proprietors by Section XXIII. Regulation VIII.* 1793.

Superseded by Sec. ii. Reg. XVII. 1805.

Reg. XXVII. 1793.

A. D. 1793. REGULATION XXVII.*

A REGULATION *for re-enacting, with Alterations and Modifications, the Rules passed by the Governor-General in Council on the 11th June and 28th July,* 1790, *and subsequent Dates, for the Resumption and Abolition of the Sayer, or internal Duties and Taxes, throughout Bengal, Behar, and Orissa, and for adjusting and paying the Deductions and Compensations directed to be granted to the Proprietors and Farmers of Estates paying Revenue to Government, and the Holders of Property exempt from the Payment of Revenue to Government, on account of the Duties and Taxes abolished:* PASSED *by the Governor-General in Council, on the 1st May,* 1793.

I. THE imposition and collection of internal duties have from time immemorial been admitted to be the exclusive privilege of Government, not

* Claims to compensation for sayer not preferred before the promulgation of Reg. VI. 1811, are declared by that enactment to be inadmissible.

exercisable by any subject without its express sanction, and consequently it has ever been a well-known law of the country, that no person can establish a gunge, haut, or bazar, without authority from the governing power. Grants from the sovereign or his representative, delegating this authority, as well as universal tradition, prove that this right was asserted by the Mahomedan Government, and the orders of the Honourable Court of Directors, as well as repeated declarations and promulgations by the British Administrations, demonstrate that this right was constantly asserted by the Company. It was, however, judged advisable to leave the exercise of this privilege to the landholders, Government contenting themselves with imposing general Regulations for the prevention of undue exactions, and occasionally interfering to modify or abolish particular imposts as they occurred or were discovered. Experience having at length proved that prohibitory orders for preventing oppression were not attended with the desired effect, it was determined, on the 11th June, 1790, to take from the landholders the power of imposing and collecting duties altogether, and to exercise this privilege immediately and exclusively on the part of Government. The consequences of this measure were expected to be the effectual abolition of many vexatious duties on articles of internal manufacture and consumption, as well as on exports and imports; the suppression of many petty monopolies and exclusive privileges, which had been secretly continued, to the great prejudice of the lower orders of people; and, as the natural effects of the reform of these abuses, benefit to trade, and ease to the inhabitants of the country in general. A further consequence expected from the exercise of this privilege was a future opportunity of augmenting the public revenue, in case the exigencies of Government should render it indispensably necessary, without increasing the assessment on the land. But this was a secondary expectation only; the primary objects intended were those first stated, the promotion of commerce and the general relief of the inhabitants. In the adoption of the above arrangements, the Governor-General in Council had no intention to divest the landholders of any collections they had made, under the denomination of sayer, not in reality a duty, but a consideration for the use of grounds, shops, or other buildings belonging to them. As, however, the rent of warehouses (golahs) and shops (dokans) had, in general, been received by the officers employed to collect the gunge, haut, and bazar duties, and had frequently been let in farm with them, and as the rent paid for orchards, pasture ground, and fisheries, had been sometimes included in the sayer, under the denominations of phulkur, bunkur, and julkur, the Governor-General in Council thought it necessary to declare expressly, that it was by no means his intention to include in the resumption of the sayer then ordered, the monthly or annual rents paid for ground, or buildings erected thereon, of whatever description, or the phulkur, bunkur, and julkur, such rents being properly the private right of the proprietors, and in no respect a tax or duty on commodities, the exclusive right of Government. The principles on which it was determined that a compensation should be made to the parties affected by the discontinuance of the privilege of collecting duties were as follow. Firstly. It having never been lawful to exercise this privilege without the sanction of Government, it followed, of course, that all instances of the exercise of it without such sanction

were illegal usurpations, and the usurpers, so far from having any just claim to a compensation, might, without injustice, have been made answerable for the amount unlawfully received by them. As, however, the Company had limited their retrospection, in similar cases, to the period of their accession to the dewanny, this principle was adopted only with regard to collections commenced since that period. Secondly. Government having also always reserved to itself a power of abolishing all duties deemed oppressive, it followed that all collections made contrary to any prohibitory orders of Government were unauthorized exactions, for which no compensation was due to the parties who had benefited by them. Thirdly. The condition of particular persons reduced to distress by the deprivation of the income they had received from duties, though unauthorized, being a separate consideration unconnected with the question of right, was reserved for determination as cases might occur. Fourthly. The holders of lakheraj land, or land exempted from the payment of public revenue, who had received the sanction of Government to the establishment of gunges, bazars, and hauts, on their lands, or in other words, who had been authorized to exercise the privilege of collecting duties thereon, were deemed entitled to a full compensation for the resumption of such privilege, adequate to the annual profit they derived from it. Fifthly. The holders of malguzarry land, or land assessed for the public revenue, who had been permitted to collect gunge, haut, bazar, or other duties on their lands, were also considered entitled to a full compensation for the profits they were allowed to enjoy from such collections; and these profits having by a general Regulation been limited to one-tenth of their neat receipts, an equivalent to this proportion was considered the compensation due to them. In pursuance of the principles above stated, the Governor-General in Council prescribed such rules, adapted to existing circumstances, as he judged necessary for the immediate guidance of the collectors and the Board of Revenue in carrying his intentions into effect, in such mode as might secure the objects intended with the least possible injury to the individuals affected thereby. But on the collection of the sayer being committed to the officers of Government, it was found that the exactions were so numerous and complicate, and imposed on such impolitic principles, as to preclude the possibility of regulating them in such a manner as to render them productive to the state, and at the same time to prevent their operating as a burden on the internal commerce and industry of the country. It was in consequence determined, on the 28th July, 1790, to abolish the sayer collections (with certain specified exceptions) throughout the three provinces, leaving it to future consideration what internal duties or taxes should be imposed in lieu of them. The Governor-General in Council deeming it of importance that all the rules which have been passed regarding the sayer collections, since their first resumption on the 11th June, 1790, to the present date, should be made as generally known as possible, he has included them in this Regulation, and the several rules passed within that period are to be considered to have operated from the date on which they were respectively passed, and to be still in force, excepting where they shall have been wholly or partially modified, altered, or rescinded by subsequent rules enacted during that period, or by this Regulation, or any other Regula-

Rules for the Resumption of the Sayer, passed on the 11th June, 1790.

II. *First. Article* 1*st.* No landholder, or other person, of whatever description, shall be allowed to collect, in future, any tax or duty of any denomination; but all taxes and duties shall be hereafter levied, on the part of Government, by officers duly appointed for that purpose, under such Regulations as may be passed for their guidance.

Taxes and duties to be levied by Government only.

Second. 2nd. No monthly or annual payments now made, or which may be hereafter made, for the use of land, or houses, shops, or other buildings erected thereon, being clearly of the nature of rents and not duties or taxes, are to be understood to be within this prohibition, but all such rents are to be enjoyed by the proprietors entitled thereto as heretofore.

Rents for the use of land, or for houses erected thereon, not within the above prohibition.

Such rents to be paid to the proprietors as heretofore.

Third. 3rd. The collectors, in resuming gunges, hauts, and bazars, as already ordered, are to attend carefully to the distinctions contained in the two preceding articles, resuming universally whatever collections come within the first, and avoiding generally any resumption of the rents described in the second.

Collectors to attend carefully to the above distinctions in resuming gunges, &c.

Fourth. 4th. The collectors are to appoint competent persons to the management of the several gunges, hauts, and bazars, within their respective jurisdictions, with orders to keep the most particular accounts of their receipts during the current year, distinguishing, as far as possible, the articles on which the duties may be collected by them, as well as the nature and rate of each, and with the following general instructions, in addition to such as they may from local circumstances think necessary. To discontinue all rahdarry, chelunta, and other collections of every denomination prohibited by the orders of Government. To discontinue all monopolies and exclusive privileges for the manufacture or sale of particular articles, and establish in lieu of them, with the sanction of the collectors, a moderate duty on such articles, to be levied at the time of manufacture or sale. To collect all existing duties as far as may be compatible with these principles, according to their present rates, to the end of the current year.

Collectors to appoint competent persons to the management of the gunges, &c. with instructions to keep the accounts herein specified.

To discontinue all rahdarry collections,

monopolies and exclusive privileges for making or selling articles,

and to establish a moderate duty on such articles,

and to collect authorized existing duties until the end of the year.

Fifth. 5th. At the end of the current year, the collectors are to transmit abstracts of the accounts delivered by the several agents employed by them in the collection of duties, with such remarks as may be necessary for full information of the nature of the several articles of collection, and specific propositions for the regulation thereof in future.

At the end of the year collectors to transmit abstracts of the collections, with propositions for the regulation of them.

Sixth. 6th. The collectors are to propose such establishments as they may think necessary for the collection of the duties within their respective districts for the current year, observing therein the greatest possible attention to economy, and that such establishments are to be decided on by the Board of Revenue.

Collectors to propose establishments for the collection of the duties for the current year.

Seventh. 7th. The gunge, haut, bazar, and other duties (the abkarry only excepted) which may be collected during the current year on lakheraj land, and of which no part has hitherto been received by Government, are, after deducting the amount of the establishment approved by the Board of Revenue, to be paid monthly to the persons who would have been entitled to receive the same, in case the collection had not been taken into the hands of Government on receipts for the amount so paid.

Collections on the lakheraj lands to be paid to the proprietors.

Eighth. 8th. The land revenue is to be adjusted, according to the rules already prescribed for the decennial settlement, on the assets of the mal-

Land revenue to be adjusted exclusive of the duties resumed.

One-tenth of the neat amount of the resumed collections to be paid to the proprietors of malguzarry land.

guzarry land, exclusive of the duties resumed, and that of the gunge; haut, bazar, and other duties (the abkarry excepted) which may be collected during the current year on malguzarry land, or which have hitherto been a source of revenue to Government, after deducting the amount of the approved establishment, one-tenth is to be paid to the proprietors of the land wherein the duties shall be collected, and the remaining nine-tenths are to be carried to the credit of Government. Disputed claims to this allowance are to be decided on in the first instance by the collectors, subject to an appeal to the Board of Revenue within the period prescribed for appeal by the existing Regulations.

Disputed claims on this account to be decided in the Court of Maal Adawlut

An appeal to be made to the Board of Revenue, and the Governor-General in Council.

Persons heretofore entitled to levy duties, to appoint officers to keep counterpart collections made by the officers of Government.

Ninth. 9th. It shall be notified to all persons who have hitherto exercised the privilege of collecting gunge, bazar, haut, and other duties, whether on lakheraj or malguzarry land, that they are at liberty to appoint agents, on their parts, to keep counterpart accounts of the collections made by the officers of Government during the current year; and that, in the event of their appointing such, the collectors are to require the officers employed by them to obtain the joint signature of these agents to the several accounts transmitted by them.

Compensation to be made to the holders of gunges, &c for the sayer resumed.

Tenth. 10th. The holders of all gunges, bazars, hauts, &c. are informed, that it is the intention of Government to make them an equitable compensation hereafter, adequate to the profit they were entitled to from all duties collected by them with due authority, or by usage commencing previous to the Company's acquisition of the dewanny; and they are required, in order to enable Government to determine on the compensation to be made to them, to exhibit before the collectors, within three months from the date of a public notice to be issued to that effect, the titles by which they have levied the gunge, bazar, haut, and other duties collected by them respectively, or proof of their having established the same before the Company acquired the dewanny.

Period limited for the exhibition of the titles and claims to such compensation

Collectors to examine the vouchers and proofs of each title, and

to transmit their proceedings, and the abstracts required in article 5th, to the Board of Revenue,

with their opinion what claims are established or otherwise

Board of Revenue to forward these reports to the Governor-General in Council,

who will determine on the compensation and the mode of making it

Eleventh. 11th. The collectors, on exhibition of the vouchers and proofs offered in pursuance of these Regulations, or as soon afterwards as circumstances may admit, are to enter into a full examination of the same, and to transmit their proceedings at large, with a summary, to the Board of Revenue, at the close of the current year, together with the abstracts required in the fifth article, adding, in every instance, their opinion how far the right of collection appears to be established, or otherwise. The Board of Revenue, on receipt of these reports, are to forward the same, with their opinion on each case, after requiring any further information they may think necessary, to the Governor-General in Council, who will then determine on the right of the several parties to a compensation, as well as on the mode of making the same.

Persons exacting duties contrary to this Regulation liable to be sued in the Dewanny Adawlut.

Decree to be passed by the court on proof of the charge

Twelfth. 12th. All persons exacting duties contrary to these Regulations, whether principals or accessaries, are declared liable to prosecution in the Courts of Dewanny Adawlut, the judges of which are to hear and determine the cause within ten days after its institution, and on proof of the exaction are to decree heavy damages, with all costs, to the party injured, according to the circumstances of the offenders, and enforce the payment thereof by the customary process.

Collectors to transmit a list of persons receiving pensions from the sayer,

Thirteenth. 13th. Where persons may be in receipt of pensions for charitable or religious purposes, from the gunge, haut, or bazar duties resumed, the collectors are to transmit a list thereof, with a report of the

origin and amount of such pensions, and state how far the persons receiving the same are objects of charity, who would be distressed by an immediate discontinuation of the allowances to them respectively.

with a report on the amount and origin of the claims, and whether the claimants are objects of charity.

Fourteenth. 14*th.* The rules are not to extend to gunges, bazars, and hauts, within the limits of the town of Calcutta.

These rules are not to extend to gunges, &c. within the town of Calcutta.

Fifteenth. 15*th.* The collectors are to give the strictest attention to the due enforcement of these orders, which, with Persian and Bengal translations, shall be printed and circulated throughout the several districts for general information.

Collectors to attend strictly to these orders, which are to be printed and circulated with translates.

Rule passed on the 23*rd June,* 1790.

III. The allowances which may be fixed for the officers appointed on the part of Government to collect the duties in the gunges, hauts, and bazars, in the malguzarry and rent-free lands, for the current year, are to be paid by Government, and not from the collections of the gunges, hauts, and bazars, as directed by the seventh and eighth articles of the Regulations of the 11th June, 1790, and the collectors are accordingly directed to pay the amount of the gross, instead of the neat collections, to the holders of such gunges, bazars, and hauts.

Expenses of the collection of the sayer directed to be defrayed by Government for the year in which it was resumed.

Rule for the Abolition of the Sayer, passed on the 28*th July,* 1790.

IV. The privilege of imposing and collecting internal duties has been resumed from the landholders, and taken exclusively into the hands of Government for the purpose of reforming abuses in these collections, and thereby affording benefit to the commerce of the country, as well as general ease to its inhabitants. For the more effectual attainment of these objects, the Governor-General in Council has now resolved that all duties, taxes, and other collections coming under the denomination of sayer (with the exception of the Government and Calcutta customs, [*the duties levied on pilgrims at Gya and other places of pilgrimage,*] the abkarry or tax on spirituous liquors, which is to be collected on account of Government agreeably to former orders, the collections made in the gunges, bazars, and hauts, situated within the limits of Calcutta, and such collections as are confirmed to the landholders, and the holders of gunges, bazars, and hauts, by the published resolutions of the 11th June, 1790, namely, rent paid for the use of land, or for houses, shops, or other buildings erected thereon, or for orchards, pasture-ground, or fisheries (sometimes included in the sayer, under the denomination of phulkur, bunkur, and julkur), whether made by Europeans or natives, either on their own or the public account, in the gunges, bazars, hauts, or other places within the provinces, be forthwith abolished, and that the compensations to be made in consequence be regulated by an average of the neat produce stated in the past accounts, for as many years as they can be procured not exceeding ten (excluding therefrom such collections as have been prohibited by Government), and be adjusted, with regard to the collections in malguzarry and lakheraj lands respectively, according to the principles already laid down in the resolutions of the 11th June, 1790. The collectors have accordingly been required to withdraw their officers from the gunges, bazars, and hauts, and to transmit the accounts necessary for adjusting the compensation without delay, together with the reports before required from them on the titles by which the duties have been hitherto collected by the several persons

Abolition of the sayer.

Repealed by Act X. 1840.

levying them. At the same time, the Governor-General in Council conceiving there may be proprietors of petty gunges, bazars, and hauts, in the lakheraj lands, whose subsistence has been chiefly drawn from the collections now abolished, and who may be subjected to distress or inconvenience, unless some provision be made for them during the period which may elapse previous to the adjustment of the compensation to be allowed them, has instructed the collectors, on proof of the situation of persons so circumstanced, to make them such monthly allowance as may appear advisable, to be deducted from the amount of the compensation to which they may finally appear entitled; provided that, in no case, the monthly allowance so given exceed the estimated monthly neat produce of the duties hitherto received by the parties respectively.

Rule passed on the 6th August, 1790.

Ground on which hauts and bazars have been held to continue appropriated for that purpose for the public, free of all demand from the proprietor.

V. *First.* The proprietary right in the ground on which hauts and bazars are held is to continue vested in the landholders, but the public are to have the free use of it. The rules passed on the 28th July, 1790, extending to the abolition of all collections heretofore made, under the head of tehbazaree or other denominations, from persons exposing their goods for sale in the gunges, bazars and hauts, under temporary stalls and sheds, or in the open streets, and as the landholders are to receive a compensation for these collections, they can have no right, whilst such compensation is continued to them, either to appropriate the ground for the temporary use of which such collections were made to any other purpose, or to levy any exactions whatever from the persons who may in future expose their goods thereon for sale as heretofore; the ground on which hauts and bazars are now held is accordingly to be continued to be appropriated to this purpose, free of all charge to the venders.

Rule in preceding clause not to deprive the landholders of the collections declared to belong to them by the rules of the 11th June, 1790.

Second. The above rule is not to preclude the landholders from receiving the monthly or annual rent arising from permanent shops, or other buildings, the collection of which is confirmed to them by the rules of the 11th June, 1790.

Rules passed on the 8th April, 1791.

Compensation to the proprietors of gunges, &c. in lands exempted from the payment of revenue, how to be discharged.

VI. *First.* The amount of the compensation to be given to the lakheraj holders of the sayer abolished, after a determination on their right thereto, in the mode directed by the Regulations of the 11th June, 1790, shall be paid in money, or in bonds bearing interest at the rate of twelve per cent. per annum, to be paid in quarterly proportions by the collector of the district in which the gunge, haut, or bazar yielding the sayer abolished may be situated, until it shall suit the convenience of Government to pay off the principal, the amount of which is to be regulated upon this principle, that the annual interest be equal to the neat annual profit derived from the sayer abolished.

Compensation to the proprietors of gunges, &c. in lands paying revenue to Government, how to be discharged.

Second. The amount of the compensation to be given to the malguzarry holders of the sayer abolished, after the like determination on their right thereto, is to be provided to such of them as may engage for the revenue of their own lands, by granting to them an abatement of jumma equal to the full amount of their neat collections on account of the sayer abolished, which will include their one-tenth profit for which the compensation is

ordered; and to those whose lands may now or hereafter be let in farm, by stipulating with the farmers for the payment of the amount of the compensation in addition to the jumma of Government; for securing which payment to the malguzars, a certificate is to be given to each of them, under the seal and signature of the Board of Revenue, declaring the annual neat amount of their sayer abolished, and their title to one-tenth thereof as their compensation, receivable in the manner herein stated.

Rule passed on the 15*th April*, 1791.

Amendment of the rule passed on the 8th April, 1791, regarding the payment of the compensations to the proprietors of malguzarry gunges, &c.

VII. *First.* Many lands having already been let in farm in Burdwan, and in other parts of Bengal, as well as in Behar, for ten years, and as the farmers of such lands could not now be made answerable for the amount of the sayer compensation to the proprietors in addition to the jumma of Government, without an equivalent deduction from the latter; and further, as it will be for the benefit of the proprietors, without any disadvantage to Government (since every farmer stipulating for the payment of the compensation would probably reduce his offers for the revenue in an equal proportion), to declare the compensation of dispossessed landholders in general payable by Government, instead of the farmers, as determined by the rule passed on the 8th April, 1791; the Regulation of the 8th April, 1791, is accordingly modified as follows:

Amended rule.

Second. The amount of the compensation to be given to the holders of the malguzarry sayer abolished, after a determination on their right thereto, in the mode directed by the resolutions of the Governor-General in Council of the 11th June, 1790, is to be provided to such of them as may engage with Government for the revenue of their own lands, by granting to them an abatement of jumma equal to the full amount of their former neat collections from the sayer abolished, including their one-tenth profit for which the compensation is ordered; and to those whose lands may now or hereafter be let in farm or held khas, by the annual payment of the amount of such compensation on the part of Government, to be made in quarterly proportions by the collector of the district in which the gunge, haut, or bazar, yielding the sayer abolished, may be situated: for securing which payment to the malguzarry holders entitled thereto, a certificate is to be given to each of them, under the seal and signature of the Board of Revenue, declaring the neat annual amount of their sayer abolished, and their title to one-tenth thereof as their compensation, receivable in the manner herein stated, until it can be provided by an abatement of jumma on the settlement of their land being made with them, in which case they will be no longer entitled to the payment

Rule passed on the 24*th June*, 1791.

Further rule regarding the compensation to disqualified landholders.

VIII. Doubts having arisen whether, under the rule passed on the 15th April, 1791, the one-tenth compensation is to be made to disqualified landholders by a reduction of jumma or by a money payment from Government, their lands being nominally held khas, though really managed for the benefit of the proprietors (any surplus collection above the fixed revenue being applied to their benefit), it is declared, that the compensation in these instances is to be made in like manner as if the settlement were made with the proprietors, viz. by an abatement of the revenue

assessed upon their lands equal to the full amount of the former neat collections of the sayer resumed or abolished, including their one-tenth for which the compensation is ordered; or, in cases where a new assessment of their lands may be made on consideration of the land assets only, by an abatement of such assessment equal to the amount of the one-tenth compensation due to them.

Rule passed on the 23rd December, 1791.

Board of Revenue to grant certificates to lakheraj proprietors for their compensations.

IX. The Board of Revenue are to grant certificates, under their seal and signature, to the proprietors of lakheraj gunges, bazars, and hauts, for the amount of the compensations to which they may be entitled.

Rule passed on the 20th April, 1792.

Forms of certificates for compensations to be granted to the lakheraj and malguzarry sayer holders.

To proprietors of lakheraj gunges, hauts, and bazars.

X. *First.* The following are to be the forms of the certificates directed to be granted to the proprietors of lakheraj and malguzarry gunges, bazars, and hauts:

Second. "This is to certify, that A, inhabitant of B, in the district of C, having proved his right, as required by the 10th article of the Regulations passed by the Governor-General in Council, on the 11th June, 1790, to compensation account the sayer collections formerly made by him in the rent-free gunge, haut, or bazar, denominated ———, in the district of ———, but since prohibited by Government, he is, agreeably to the orders of the Governor-General in Council of the ——— and ———, entitled to receive on this account, in equal quarterly proportions, from the collector of ———, the sum of ———, being the amount of his neat annual collections from the gunge, haut, or bazar aforesaid; this payment to commence from the period of the above gunge, haut, or bazar, having been resumed, in conformity to the above-mentioned orders of Government, of the 11th June, 1790, provided no part thereof has yet been received. It is to be understood, that the payment of this compensation by the collector, in the manner aforesaid, is to continue no longer than until it shall please the Governor-General in Council to determine on any other mode of making the same."

To proprietors of malguzarry gunges, bazars, and hauts.

Third. "This is to certify, that A, zemindar or talookdar of B, in the district or soubah of C, whose estate is now held khas or let in farm, having proved his right, as required by the 10th article of the Regulations of the Governor-General in Council, of the 11th June, 1790, to compensation account the sayer collections formerly made by him in the malguzarry gunge, haut, or bazar, denominated ———, in the district of ———, but since prohibited by Government, he is, agreeably to the orders of the Governor-General in Council of the ———, and ———, entitled to receive on this account, in equal quarterly proportions, from the collector of ———, the annual sum of rupees ———, being the one-tenth proportion of rupees ———, the neat annual amount of his sayer collections from the gunge, haut, or bazar aforesaid; this payment to commence from the period of the above gunge, haut, or bazar, having been resumed, in conformity to the above-mentioned orders of Government of the 11th June, 1790, provided no part thereof has yet been received. It is to be understood, that the payment of the above-mentioned compensation by the collector is to continue no longer than until it can be provided for by an adequate abatement of jumma on the settle-

ment of the lands of the bearer of this certificate being made with him or his heirs."

Fourth. The case of the proprietor of Govind-gunge being of a special nature, the following certificate is to be granted to him:

Certificate to be granted to the proprietor of Govind-gunge.

"This is to certify, that Rada Govind Sing having proved his right, as required by the 10th Article of the Regulations of the Governor-General in Council, of the 11th June, 1790, to compensation account the sayer collections formerly made by him in the gunge denominated Govind-gunge, in the district of Nuddea, but since prohibited by Government, he is, agreeably to the orders of the Governor-General in Council of the 3rd February, 1792, entitled to receive on this account, in equal quarterly proportions, from the collector of the district above mentioned, the sum of Rupees 3,467. 1. 17. 3, being the amount of his remaining neat annual collections from the haut or gunge aforesaid, after deducting the sum of Rupees 100, the Revenue of Government; this payment to commence from the period of the above gunge having been resumed, in conformity to the orders of Government of the 11th June, above mentioned, provided no part thereof has yet been received. It is to be understood, that the payment of this compensation by the collector in the manner aforesaid is to continue no longer than until it shall please the Governor-General in Council to determine on any other made of making the same."

Rule passed on the 27th April, 1792.

Penalty for persons convicted of exacting unauthorized duties.

XI. Persons exacting taxes or duties of any denomination, contrary to the sayer Regulations of the 11th June, 1790, whether as principals or accessaries, having by the 12th article of the Regulations of that date been declared liable to prosecution in the Courts of Dewanny Adawlut, the judges of the said courts are required to receive all plaints preferred on account of such exactions, to hear and determine the same within ten days from the date of filing the plaint, or as soon afterwards as the attendance of the necessary evidence may admit, and on proof to decree a refund of the amount exacted, with damages equal to double the amount, besides all necessary costs incurred by the plaintiff in the prosecution, as well as a heavy fine to Government proportionate to the circumstances of the offender; which decree shall be enforced by them by the process prescribed in other cases; and if the property of the offender, which shall be applied in the first instance to make good the damages and costs adjudged to the party injured, shall be in any instance insufficient to make good the fine to Government, the courts may order the fine to be commuted to imprisonment for such period as, on consideration of the case, may appear to them adequate to the offence.

Rule passed on the 1st May, 1793.

Adjustment of sayer deductions and compensations to be left to the revenue officers, subject to the confirmation of the Governor-General in Council.

Courts not to take cognizance of any claims respecting deductions or compensations made or to be made.

XII. In the event of any deductions or compensations on account of the abolition of the sayer remaining to be adjusted, the adjustment of them is to be left to the collectors, under the superintendence of the Board of Revenue, and subject to the final confirmation of the Governor-General in Council under this Regulation, and the Courts of Judicature are not to take cognizance of any claims regarding such deductions or compensations that have been or may remain to be adjusted. But in cases in which the compensation on account of the abolition of the sayer, either

If the payment of compensations which may have been adjusted are withheld, courts may take cognizance of suits for the recovery of the amount.

in lands paying revenue to Government or exempted from the payment of such revenue, shall have been finally adjusted with the sanction of the Governor-General in Council, and payment of the amount which may be due under such adjustment shall be withheld from the person entitled thereto, the Courts of Dewanny Adawlut may take cognizance of any suit that may be preferred to them against the officer withholding the same, for obtaining payment of the amount. If the payment shall have been withheld pursuant to orders from the Governor-General in Council or the Board of Revenue, the judge, previous to proceeding to the trial of the suit, is to forward the petition of the complainant to the Governor-General in Council, in the same manner as is directed with regard to the cases specified in Section XI. Regulation III. 1793; that if it shall appear to him proper so to do, he may afford redress to the party without bringing the suit to a trial. Suits instituted against Government under this section and which may be brought to a trial, are to be defended by the collector, who is to commit the pleading of the cause to the vakeel of Government; and in the event of Government being cast, or of the collector being dissatisfied with the decision, he is to report the circumstances to the Board of Revenue, that an appeal may be preferred against the decision if deemed advisable.

Rules regarding such suits.

Reg. XXVIII. 1793.

A.D. 1793. REGULATION XXVIII.*

A REGULATION *for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William, and the Civil Covenanted Servants of the Company and their Military Officers) residing at a greater distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section VII. Regulation III.* 1793, *and for enabling British Subjects to recover any Demands, recoverable under the Regulation, which they may have upon such Persons:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

* This Regulation is superseded by Act VII. 1836, and Sec. vii. Act VI. 1843, which render all persons amenable, without reference to birth or descent, to the Courts of Sudder Dewanny Adawlut, of the zillah judges, principal sudder ameens, sudder ameens, and moonsifs.

The right of natural-born British subjects to reside in India is regulated by the 3 & 4 William IV. cap. 85, secs. 81 to 84.

A.D. 1793. REGULATION XXIX.

Reg. XXIX. 1793

A REGULATION *for re-enacting, with Alterations and Amendments, the Rules passed on the* 10*th of December*, 1788, *and subsequent Dates, for the Conduct of the Salt Agents, and all Persons employed or concerned in the Provision of Salt on account of Government:* PASSED *by the Governor-General in Council on the* 1*st May*, 1793.

[Rescinded by Section II. Regulation X. 1819.]

A.D. 1793. REGULATION XXX.

Reg. XXX. 1793.

A REGULATION *for preventing the illicit Manufacture or Importation of Salt:* PASSED *by the Governor-General in Council on the* 1*st May*, 1793.

[Rescinded by Section II. Regulation VI. 1801.]

A.D. 1793. REGULATION XXXI.*

Reg. XXXI. 1793.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules passed on the* 23*rd July*, 1787, *and subsequent Dates, for the conduct of the Commercial Residents and Agents, and all persons employed or concerned in the Provision of the Company's Investment:* PASSED *on the* 1*st May*, 1793.

* The commercial branch of the East-India Company's service having ceased to exist, in virtue of the Act 3 & 4 William IV. cap. 85, this Regulation became inoperative.

Certain clauses of Sec. x. of this Regulation having been applied by Sec. xxvi. Reg. XIII. 1816, to servants of the opium department, those clauses will be found appended to the Regulation last referred to.

A.D. 1793. REGULATION XXXII.

Reg. XXXII. 179*.

A REGULATION *for enacting into a Regulation, the Terms of the Contracts concluded for the Provision of Opium on account of Government, in the Provinces of Bengal, Behar, and Orissa, from the* 1*st September*, 1793, *to the* 31*st August*, 1797, *and for preventing illicit Trade in that Article:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

[Extinct—see Regulation XIII. 1816.]

Reg. XXXIII. 1793.

A.D. 1793. REGULATION XXXIII.*

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 11*th February and* 21*st October*, 1791, *for repairing the Embankments kept in Repair at the public Expense, and for encouraging the digging of Tanks or Reservoirs and Watercourses, and making Embankments:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

I. IT being necessary that provision should be made for the annual repair of certain embankments in different parts of the country, which have been considered as public works and have been kept in repair at the expense of Government, in consequence of their great extent, and the damage to which the districts and places for the protection of which they have been constructed would be liable from inundation, in the event of their not receiving the necessary annual repairs; and there being the strongest grounds for believing, that if the embankments, reservoirs, and watercourses in the estates of individuals, which are not considered as public works, were enlarged or put into a proper state of repair, and new works of the same nature made where necessary and practicable, a sufficient portion of the crops might be preserved in seasons of drought or inundation for the subsistence of the body of the people, and consequently the recurrence of the miseries which this country has so often suffered from famine be prevented; and the Governor-General in Council being therefore solicitous to encourage proprietors, farmers, and cultivators of land, to undertake these important improvements in their estates and lands, he passed certain Regulations applicable to the above considerations, on the 11th of February and 21st October, 1791, which are hereby re-enacted with modifications.

II. to VII. [Care and superintendence of embankments.]—*Rescinded by Section II. Regulation VI.* 1806.

Advances to be issued to individuals for repairing or making embankments, reservoirs, or watercourses.

VIII. Advances shall be made to proprietors or farmers of land, or dependent talookdars, or under-farmers or ryots, for the purpose of repairing or making embankments, or repairing, enlarging, or making tanks, reservoirs, or watercourses, under the conditions specified in the following sections.

Applications for such advances to whom to be made, and what to contain.

IX. The applications for such advances are to be made in writing to the collector of the zillah, and are to specify the nature and extent of the work for which they are required, the period by which it will be completed,

* Regulation VI. 1806, vested in certain committees to be appointed under its provisions the general charge and control over the embankments maintained or repaired at the public expense; and empowered them to require landholders to make requisite repairs, and in the event of their neglect, to execute the repairs and recover the expense from the proprietors.

By Regulation XI. 1829, the rules for the appointment and duties of such committees were rescinded, and it was enacted that the powers and authority exercised by them should be vested in such officers as the Governor-General in Council should appoint, who should be guided by such orders as they should receive from Government.

and the amount of the advance solicited. If a person applying for advances shall not be the proprietor of the lands for the benefit of which the works are to be made, he is to give security for the repayment of the advance with interest, and also for the payment of the penalty to be exacted in the cases mentioned in Section X., and shall specify in his application the security he may have to offer. If the person making the application shall be the proprietor of the lands for the benefit of which the works are intended, he is not to be required to give security, but his lands are to be held responsible for the repayment of the advance with interest, and for the eventual discharge of the penalty.

Persons not the proprietors of the lands applying for advances, to give the security herein required;

If proprietors, they are not to give security, but their estates to be responsible for the repayment of the advance, interest, and penalty.

X. Persons receiving advances, and (if they be not the proprietors of the land) their sureties, are to bind themselves to repay the amount, at such period or periods as may be agreed upon between them and the collector, with interest at the rate of twelve per cent. per annum, and also to pay a penalty of twenty-five per cent. on the amount advanced, in the event of the works not being completed by the stipulated period, or of the money not being applied to the purpose for which it may have been advanced.

Engagement to be executed by persons receiving advances and their sureties.

XI. The collectors, upon receipt of such written applications, are to forward them without delay to the Board of Revenue, with any remarks which they may have to offer respecting them. The Board of Revenue, provided there shall appear to them no objection to the execution of the work proposed, and (in cases in which security is directed to be taken) they shall be satisfied of the sufficiency of the security offered for the repayment of the required advance with interest, and for the discharge of the penalty in the cases mentioned in the preceding section, are empowered to authorize the collector to make the required advance, upon the person applying for it, and (if he be not proprietor of the land) his surety executing the prescribed engagements.

Collector how to proceed with such applications.

Board of Revenue empowered to comply with them.

XII. Upon the arrival of the period by which such works may have been stipulated to be completed, the collector is to direct the tehseeldar, or other officer of Government upon the spot, or such person as he may deem it proper to appoint, to survey the works, and to report in what manner they have been executed; and in the event of their not having been completed according to the engagement and by the stipulated period, or of the money not having been applied to the purpose for which it may have been advanced, he is to levy the penalty above directed, sending immediate information to the Board of Revenue of the exaction of it.

Survey and report of the works to be made and sent to the collectors, who are empowered to levy the penalty in the cases herein specified.

XIII. The collectors are to transmit to the Board of Revenue, at such periods and in such form as they may direct, reports on the execution of the works for which advances may be made under this Regulation.

Report to be made by the collectors of the execution of the works.

XIV. The Board of Revenue are empowered to receive applications for such advances in the first instance; and provided there shall appear to them no objection to the work proposed to be executed, and the person making the application shall give the required security and execute the prescribed deeds, to order the collector of the zillah to comply with it.

Board of Revenue empowered to receive applications for advances, and to order them to be complied with.

Cases in which the Board of Revenue may extend the period fixed for completing works.

XV. If a work for which advances may be made under this Regulation shall not be completed by the stipulated period, and the person who may have received the advances can show good cause, to the satisfaction of the collector, for not having finished it, he is to report the circumstances to the Board of Revenue, who are empowered to allow such further time for the completion of the work as they may judge proper.

Reg. XXXIV. 1793.

A.D. 1793. REGULATION XXXIV.

A REGULATION *for re-enacting with Modifications, the Rules passed on the 16th April, 1790, and subsequent Dates, for levying a Tax upon intoxicating Liquors and Drugs, and for preventing the illicit Manufacture and Vend of them:* PASSED *by the Governor-General in Council, on the 1st May, 1793.*

[Rescinded by Section II. Regulation X. 1813.]

Reg. XXXV. 1793.

A.D. 1793. REGULATION XXXV.*

A REGULATION *for re-enacting, with Amendments, the Rules passed on the 20th June, 24th October, and 31st November, 1792, and subsequent Dates, for the Reform of the gold and silver Coin in Bengal, Behar, and Orissa; and for prohibiting the Currency of any gold or silver Coin in those Provinces, but the nineteenth sun Sicca Rupees, and the nineteenth sun Gold Mohur, and their respective Divisions and Subdivisions into Halves and Quarters; and for preventing the counterfeiting, defacing, or debasing of the Coin:* PASSED *by the Governor-General in Council on the 1st May, 1793.*

I. THE principal districts in Bengal, Behar, and Orissa, have each a distinct silver currency, consisting either of the nineteenth sun sicca rupee

* The mint at Moorshedabad was abolished by Regulation LXII. 1795, and the mints at Patna and Dacca have also been abolished, so that the mint at Calcutta is now the only one in the Bengal presidency. By Section x. Act XVII. 1835, the Governor-General in Council is empowered to establish, regulate, and abolish mints. Under Acts XVII. 1835, and XXI. 1838, the "Company's rupee," and its fractional parts of a specified weight and standard, are now the only silver coins issued; and under Act XIII. 1836, the Calcutta sicca rupee ceased to be a legal tender after 1st January, 1838.—Section vii. Act XVII. 1835, prescribes the weight and standard of the gold coins, and Section ix. of the same Act declares that no gold coin shall be a legal tender.

or old or counterfeit rupees of different suns or years, coined previous or subsequent to the Company's administration, which are the standard measure of value in all transactions in the districts in which they respectively circulate. The local circulation of these different sorts of rupees originated chiefly in the following circumstances. Under the native Government, it was customary to insert upon the rupees the year in which they were struck, and the rupees coined at Patna, Dacca, and Moorshedabad (at each of which cities there was an established mint) bore different inscriptions, which in fact rendered the rupees issued in each year from the respective mints a distinct species of coin. Upon the mints at Patna, Dacca, and Moorshedabad being withdrawn soon after the commencement of the Company's administration, the proprietors and farmers of land in the interior parts of the country, who were bound by their engagements to pay the public revenue in sicca rupees, experienced considerable difficulty in obtaining those rupees, from the coinage of them being confined to Calcutta, at which place the only mint that remained in the provinces was established: they were, in consequence, compelled to collect the rents from the ryots in the species of sonaut, or other old rupees, of which there happened to be the greatest number in their respective districts, and which they were permitted to pay into the public treasuries at a fixed exchange. In consequence of the ryots being required to pay their rent in a particular sort of rupee, they of course demanded it from the manufacturers in payment for their grain or raw materials; whilst the manufacturers, actuated by similar principles with the ryots, required the same species of rupee from the traders who came to purchase their cloth or other commodities. The various sorts of old rupees, accordingly, soon became the established currency of particular districts; and, as a necessary consequence, the value of each rupee was enhanced in the district in which it was current, from being in demand for all transactions. As a further consequence, every other sort of rupees brought into the district was rejected, from being a different measure of value from that by which the inhabitants had become accustomed to estimate their property; or if it was received, a discount was exacted upon it, equal to what the receiver would have been obliged to pay upon exchanging it at the house of a shroff for the rupee current in the district, or to allow upon passing it in payment to any other individual. Thus, if a sicca rupee of the nineteenth sun, which is intrinsically worth about seven per cent. more than an Arcot, was offered in payment in the Dacca province, it was either refused, or received nearly at the same value as an Arcot; whilst the holder of Arcots, or other sorts of rupees, who carried them into districts in which they were not current, was subject to similar loss. The proprietors and farmers of land, or the persons concerned in making their payments to the public treasuries, derived a considerable advantage from this enhanced valuation of the particular species of rupees current in their respective districts, as they were enabled to obtain credit for them in exchange for siccas, in which their revenues were payable, at a rate considerably exceeding their intrinsic worth. The profits which the shroffs or money-changers derive from this disordered state of the coin are necessarily enormous. Their agents in the different parts of the country buy up all rupees which are brought into districts in which they are not current, and consequently at a depreciated value, and send them for sale to districts where they

are the prevailing currency, and in which they dispose of them at an enhanced value to persons who have payments or purchases to make in those districts. The merchants and traders are under the necessity of submitting to the imposition; for no other rupee but the nineteenth sun sicca being coined at the mints, the old rupees are procurable only from the shroffs, and consequently they must either pay the exchange demanded or discontinue their purchases. From this rejection of the coin current in one district when tendered in payment in another, the merchants and traders, and the proprietors and cultivators of land in the different parts of the country, are subjected in their commercial dealings with each other to the same losses by exchange, and all the other inconveniences that would necessarily result were the several districts under separate and independent governments, each having a different coin. The money-changers are the only description of people who derive any benefit from this disordered state of the coin. The loss falls upon Government and the public at large, and must be perpetual, unless the various old and counterfeit rupees now current in the different parts of the country can be thrown out of circulation, and one species of rupee made the general standard measure of value in all transactions between individuals, and between Government and its subjects. The sicca rupee of the nineteenth sun is the established silver coin of the country, and the rupee in which the public revenues are payable. It was with a view to render it the general measure of value, that Government determined, in the year 1773, that all rupees coined in future should bear the impression of the nineteenth sun, or year, of the reign of Shah Alum, and no other species of rupee (with the exception of some Arcots) has since been coined in the Calcutta mint. The rupees of the eleventh, twelfth, and fifteenth sun, were indeed directed to be considered current equally with the nineteenth sun sicca rupee: but this was a temporary measure, intended to be continued in force only until there should be a sufficiency of the nineteenth sun sicca rupee introduced into circulation. The number, however, of these three descriptions of rupees is of course inconsiderable, compared with the number of the nineteenth sun sicca rupees that have been coined since the above-mentioned year, and they are so much worn as to be no longer fit for circulation. The preceding remarks evince, that it is the interest of individuals of every description, excepting the money-changers, to co-operate with Government to render the nineteenth sun sicca rupee generally current, and the standard of value throughout the country. Amongst the measures considered necessary to effect this important object, the following were the principal: First, to direct the officers employed in the provision of the investment and manufacture of salt, and all commercial transactions of the Company, to make their agreements with individuals for sicca rupees of the nineteenth sun; for if Government, in their extensive commercial dealings and in the provision of the salt, make contracts with their subjects in other species of rupees, they must necessarily continue the measure of value where those concerns are transacted, and it would be as ineffectual to declare the nineteenth sun sicca rupees the only legal currency, as it would be unjust to attempt to enforce the rule. Secondly, to oblige individuals to estimate their property by the nineteenth sun sicca rupee, by declaring the amount of bonds and engagements entered into after a certain period (in fixing which a time

was allowed that was presumed sufficient for the introduction of the necessary number of the nineteenth sun sicca rupees into circulation), whereby any sum of money might be stipulated to be paid in any species of rupees excepting the nineteenth sun siccas, not recoverable in any Court of Judicature. Thirdly, to prohibit the receipt of any rupees excepting siccas of the nineteenth sun, at the public treasuries, after the date above alluded to. This last measure was calculated to oblige the proprietors and farmers of land to require nineteenth sun sicca rupees from their under-renters and ryots, and consequently induce the latter to demand them from the manufacturers, who, for similar reasons, would necessarily require them from the merchants and traders, and thus make it the interest of all descriptions of persons to receive the nineteenth sun sicca rupee, and to reject every other species of rupee, upon the principles on which they before demanded the particular rupee current in the respective districts. Fourthly, to establish mints at the cities of Patna, Dacca, and Moorshedabad, to coin precisely the same rupee as that struck at Calcutta. Without the adoption of this last arrangement, it would have been useless to declare the nineteenth sun sicca rupee the only legal tender of payment: for unless individuals had been afforded a ready means of procuring their old coin to be converted without loss into the new, they would have been obliged to have purchased the new money from the shroffs, who would have demanded an exorbitant exchange upon it, as well with a view to reap the immediate advantage as to prevent the establishment of the general currency of the nineteenth sun sicca rupee. Keeping open mints in the interior parts of the country until the circulation may be filled up with that coin, precludes the necessity of any person applying to shroffs for it, and consequently deprives them of their influence (which is founded on the wants and necessities of individuals), by furnishing all persons with the new money at the cheapest rate and with the least trouble. By the operation of these rules, the various sorts of old and light rupees must, in course of time, fall to their intrinsic worth compared with the sicca of the nineteenth sun, as they will produce no more in the mint, and to which they will necessarily be brought to be converted into siccas, as they will be nowhere passable or in demand as coin, from being nowhere a measure of value. The rules by which the gold coin has been regulated have been productive of evils, similar to those which have prevailed with regard to the silver coin. Under the native administrations, and until the year 1766, the gold mohur was not considered as a legal tender of payment in any public or private transaction, nor was the number of rupees for which it was to pass current ever fixed by the Government. It was struck for the convenience of individuals, and the value of it in the markets fluctuated like other commodities, silver being the metal which was the general measure of value throughout the country. In the year 1766, the value of the gold coin with respect to the silver was first fixed, and the former coin declared a legal tender of payment. A gold mohur was struck, and ordered to pass for fourteen sicca rupees. But as this coin (calculating according to the relative value of the two metals) was much below the worth of the silver in the number of rupees for which it was ordered to pass, it was found impossible to render it current, and it was accordingly called in, and a new gold mohur, being that now current, was issued in 1769, which was directed to pass as a legal tender of payment

for sixteen sicca rupees. The intrinsic worth of this coin was estimated to be equal to the nominal value of it, or as nearly so as was deemed necessary to render it current at the prescribed rate. But whether owing to the effect of the orders for the introduction of the over-rated gold coin of 1766, the considerable value of the new gold mohur, and the want of divisions of it, so as to render the coin calculated for the dealings of the lower orders of the people in the interior parts of the country, or other causes, the currency of it has been confined almost entirely to Calcutta, where it has been received and paid in all public and private payments at the fixed value of sixteen sicca rupees. But this partial currency of the gold coin has enabled the money-changers to practise an abuse upon the public and individuals, of a nature similar to that which has prevailed regarding the silver. Individuals are obliged to receive gold mohurs at the full value in all payments made to them from the treasury at Calcutta: but as the coin will not pass in the interior parts of the country, the receivers are under the necessity, when they have occasion to make purchases or advances out of Calcutta, to sell their gold mohurs to a shroff for silver of the currency of the district in which their purchases are to be made, or, what is the same, for a bill on his house in the district payable in that currency, as the shroff, in the latter case, exacts the discount in fixing the exchange. The shroffs pay the gold which they thus purchase at a discount, into the treasury at Calcutta at par, whenever they have payments to make to Government. The gold mohurs are, in this manner, immediately thrown back upon the treasury whenever an opportunity offers, and the shroffs levy a discount on them as often as they are issued from it. The obstruction to the circulation of the gold coin out of Calcutta necessarily affects its value in purchases in the markets within the town, where also a discount is frequently exacted upon it. The means which appear best calculated to render the gold mohur generally current, are to declare it receivable at all the public treasuries and in all public payments throughout the provinces, at the rate of sixteen sicca rupees; to make it a legal tender of payment in private transactions; to coin a great proportion of halves and quarters; and lastly, to impose a duty upon all gold bullion sent to the mint to be coined, so as to prevent too large a proportion of gold being introduced into circulation, by diminishing, in some degree, the advantage at present derived from the importation of it in preference to silver. Upon the above grounds, the Regulations of the 20th June, 24th October, and 21st November, 1792, were adopted; and this detail of them, by apprizing individuals of the principles on which the coin of the country is regulated, will enable them to guard against the impositions of the money-changers, who alone derive advantage from the want of a uniform gold and silver currency. The Regulations above mentioned are hereby re-enacted with amendments.

II. [Mints established at Calcutta, Patna, Moorshedabad, and Dacca—weight and standard of coins.]—*Rescinded by Section II. Regulation LXII.* 1795, *and Section I. Regulation XIV.* 1818. *No coinage now provided for but at Calcutta.—See Act XVII.* 1835.

III. [Gold mohurs of certain coinages declared a legal tender.]—*Superseded by Section IX. Act XVII.* 1835.

IV. to VI. [Coinage of bullion and recoinage of old coin for individuals—charges.]—*Superseded by Section III. Regulation XIV.* 1818. *See Section V. Regulation VII.* 1833.

See Secs. ii. and viii. Act XVII. 1835.

VII. To guard, as far as possible, against the counterfeiting, clipping, drilling, filing, defacing, or debasing the coin, the edges of both the gold and silver coin are to be milled, and the dies are to be made of the same size as the coin, so that the whole of the impression may appear upon the surface of it.

Coin to be milled, and to be of the same size as the die, so as to receive the whole impression upon it.

VIII. to X. [Coins struck at the different mints to be exactly alike and received indiscriminately—private marks on dies of the different mints.]—*Superseded, there being now only one mint.*

XI. [Magistrates to visit mints at Dacca, Patna, and Moorshedabad.]—*Superseded.*

XII. Persons charged with counterfeiting, clipping, filing, drilling, defacing, or debasing the gold or silver coin, are be committed to the Criminal Courts, and punished according as the law may direct.

Persons charged with counterfeiting the coin, or other offences therein specified, to be committed to the Criminal Courts.

XIII. All officers, agents, gomastahs, or others employed in the collection or payment of the public revenue or the rents of individuals, *or the provision of the investment*, the manufacture of salt or opium, and all proprietors and farmers of land, dependent talookdars, under-farmers, and ryots, and all persons whomsoever, are prohibited affixing any mark whatever to the gold or silver coin, *and all rupees or gold mohurs, or half or quarter rupees or gold mohurs, that may be so marked, are declared not to be legal tenders of payment in any public or private transaction, and the officers of Government are directed to reject any rupees or gold mohurs, or any half or quarter rupees or gold mohurs, so marked, that may be tendered at the public treasuries.*

All persons prohibited affixing marks to the coin.

Rescinded by Sec. iii. Reg. II. 1812. See Sec. iv. Reg. XIV. 1818, and Sec. iii. Act XVII. 1835.

Coin so marked not to be a legal tender of payment, and to be rejected at the public treasuries.

XIV. to XIX. [Rates at which rupees of various sorts are to be received for a limited period—not to be received after that period except in discharge of old bonds.]—*Extinct—see Sections III. and IV. Act XVII.* 1835.

XX. [Engagements for money other than sicca rupees or gold mohurs of nineteenth sun invalid.]—*Rescinded by Section II. Regulation XIII.* 1807.

XXI. to XXIII. [Engagements with Government to be in sicca rupees or gold mohurs of nineteenth sun—punishment of native officers for refusing to receive those coins or for receiving others.]—*Superseded by Acts XVII.* 1835, *and XIII.* 1836.

XXIV. [Duty on gold bullion sent to the mint for coinage.]—*Rescinded by Section V. Regulation II.* 1812.

See Sec. v. Reg. II. 1812.

XXV. No duty is to be charged on the recoinage of old or light gold

No duty to be levied

on the recoinage of old gold mohurs, halves, or quarters, coined in the Calcutta mint since the 20th March, 1769, or which may be hereafter coined in *any of the mints.*

mohurs, or half or quarter gold mohurs, coined at the Calcutta mint since the 20th March, 1769, nor on the recoinage of any gold mohurs, or half or quarter gold mohurs, which may be coined in the mints at *Patna, Dacca, Moorshedabad,* or Calcutta, after this date.

XXVI. [Order in which bullion is to be assayed, refined, and coined.] —*Rescinded by Section IV. Regulation V.* 1812.

Registers to be kept for public inspection in the several mints.

XXVII. *First.* The following registers are to be kept open at the mints of Calcutta, *Patna, Dacca, and Moorshedabad,* for public inspection.

Second. A register of unassayed bullion delivered into the mint, specifying the quantity delivered, the date on which it was received, and the name of the proprietor.

Third. A register of bullion assayed and refined, specifying the date on which it was assayed and the date on which it was refined, the name of the proprietor, and the produce in *sicca* rupees or gold mohurs, together with the date of the certificate granted for the produce, and the date on which such certificate was discharged.

European and native officers of Government herein specified liable to be sued for any breach of the Regulations respecting the coinage.

XXVIII. Collectors of the revenue, *commercial residents or agents,* salt agents, the mint-master at Calcutta, *the superintendents of the subordinate mints at the cities of Patna, Dacca, and Moorshedabad,* and their respective officers, are to be liable to be sued for damages in the Zillah or City Court to which they may be amenable, for any breach of this Regulation, or any other Regulations which may be enacted respecting the coin.

Reg. XXXVI. 1793.

A.D. 1793. REGULATION XXXVI.*

A REGULATION *for establishing a Registry for Wills and Deeds, for the Transfer or Mortgage of real Property:* PASSED *by the Governor-General in Council, on the* 1*st May,* 1793.

I. To give security to the titles and rights of persons purchasing real property, or receiving such property in gift, or advancing money on the mortgage of it, or taking it on lease or other limited assignment; to prevent individuals being defrauded by buying, or receiving in gift, or lending money on mortgage, or taking on lease any such property that may have been so previously disposed of or pledged; to afford persons the means of obviating, as far as may be practicable, litigation respecting the authenticity of their wills, or any written authority they may grant to their wives to adopt sons after their death; and that individuals may be

* Regulation XX. 1812, admitted the registry of indigo contracts and securities for money, and greatly modified the forms of registry.—Act XXX. 1838, provided for the establishment of registry-offices at any civil station, and Act XI. 1851, for the custody of the registers.

The office of zillah register having been abolished, the registry of deeds would fall to the zillah judge under Sec. v. Reg. IV. 1824; but he is authorized by Sec. iv. Reg. VII. 1832, to devolve the duty on the Principal Sudder Ameen.

able to provide against any injury to their rights or property, by the loss or destruction of deeds relating to transactions of the nature of those above specified, the following rules have been enacted.

See Acts XXX. 1838, XI. 1851; Reg. IV. 1824, and Sec. iv. Reg. VII. 1832.

An office for the registry of deeds to be established in each zillah and city.

To be superintended by the *register of the zillah or city*.

II. An office for the registry of deeds shall be established in each zillah, and in the cities of Patna, Dacca, and Moorshedabad. The superintendence of the office shall be committed to the *register of the Court of Dewanny Adawlut*, who shall take and subscribe the following oath before the judge of the zillah or city, previous to his entering on the execution of the duties of the office.

Oath.

"I, A. B., solemnly swear, that I will truly and faithfully execute the office of register of deeds for the zillah or city of ———, and that I will not, directly or indirectly, derive any pecuniary or other benefit whatsoever from the said office, excepting such as is or may be allowed to me by this Regulation, or by any Regulation that may be hereafter passed by the Governor-General in Council, and printed and published in the manner directed in Regulation XLI. 1793: So help me God."

See Secs. iii. and iv. Reg. XX. 1812.

Memorials of the following deeds to be registered.

Deeds of sale and gift of real property.

Mortgages and incumbrances and certificates of the discharge of them.

Limited assignments and temporary transfers.

Wills.

Authorities to women to adopt sons after the death of their husbands.

III. *First.* The register is authorized and required to register memorials of the following deeds.

Second. Deeds of sale or gift of lands, houses, and other real property.

Third. Deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances.

Fourth. Leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property.

Fifth. Wusseatnamahs or wills.

Sixth. Written authorities from husbands to their wives to adopt sons after their (the husbands') demise.

Option left of registering any of the deeds specified in the preceding sections, executed, or that may be executed prior to 1st January, 1796.

IV. It shall be left to the option of all persons to register or not, as they may think proper, any of the descriptions of deeds specified in the preceding section, that have been executed, or which may be executed, prior to the 1st of January, 1796. The not registering such deeds shall in nowise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds specified in the three last clauses of Section iii., whether executed before or after 1st January, 1796, may be registered or not, at the option of the parties.

V. It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of deeds specified in Clauses Fourth, Fifth, and Sixth, of Section III., whether executed previous or subsequent to the 1st January, 1796. The not registering of the deeds specified in those three clauses shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this Regulation had never been enacted.

Deeds of sale or gift executed subsequent to the 1st January, 1796.

VI. *First.* Every deed of sale or gift, of the description specified in Clause Second, Section III., that may be executed on or after the 1st January, 1796, and a memorial of which shall be duly registered according to this Regulation, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property, executed subsequent to the said date,

which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed.

Deeds of mortgage executed subsequent to 1st January, 1796, duly registered, to be discharged in preference to mortgages granted subsequent to that date not registered.

Second. Every deed of mortgage of the description specified in Clause Third, Section III., that may be executed on or after the 1st January, 1796, and a memorial of which shall be duly registered according to this Regulation, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property executed subsequent to the said date, which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage. See Act XIX. 1843.

Qualification of the rules in the two preceding clauses applicable to cases in which persons may purchase, take on gift, or mortgage property, knowing it to have been previously sold, given, or mortgaged subsequent to the 1st January, 1796.

Third. [It being the object, however, of the rules in the two preceding clauses, to prevent persons being defrauded by purchasing or receiving in gift, or taking in mortgage, real property which may have been before sold, given, or mortgaged, subsequent to the 1st January, 1796, and as persons can never suffer such imposition when they are apprized of the previous transfer or mortgage of the property, it is to be understood, that if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given, or mortgaged to any other person subsequent to the 1st January, 1796, and that the deed of sale, gift, or mortgage has not been registered, and shall register his own deed, in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not from the registry of it invalidate, or be discharged in preference to the unregistered deed of sale, gift, or mortgage, first executed, provided the authenticity of the latter be established to the satisfaction of the court.] Repealed under the provisions of Act I., and see Act XIX. 1843.

In what office deeds are to be registered.

Provision for cases in which the property may be situated in two or more jurisdictions.

VII. The registry of all deeds shall be made in the register office of the zillah or city *in which the property affected by them may be situated*; and if the property be situated in the jurisdictions of two or more of the Courts of Dewanny Adawlut, the deeds affecting it shall be registered in the office of each jurisdiction. Modified by the provisions of Act IV. 1845.

Each description of deeds to be registered in a separate book, paged and attested as herein directed.

VIII. *First.* Each species of deed shall be registered in a separate book, each leaf of which shall be paged, and be attested by the judge of the Dewanny Adawlut of the zillah or city, who shall note in his own handwriting on the last page of each book, the number of pages contained in each book, and attest the note with his official signature. No register shall be deemed authentic excepting such as shall be so paged and attested.

Deeds registered to be numbered.

Date of the registry, &c. to be noted in the margin of the register.

Registers to be deposited in court

Second. Every deed entered in a register book shall be numbered, and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the register books, which shall be deposited amongst the records of the Dewanny Adawlut. See Act XI. 1851.

Forms to be observed in the registry of deeds.

Forms.

IX.* *First.* The following forms shall be observed in the registry of deeds.

Second. The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the exe-

* The rules in this section are largely modified and amended by the rules prescribed in Sec. ii. Reg. XX. 1812.

cution of it, shall attend at the register's office, and prove, by *oath* before the register, the due execution of the deed; upon which the register shall cause an exact copy of the deed to be entered in the proper register book, and after having caused it to be carefully compared with the original, shall attest the copy with his signature, and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signatures to the copy, in the presence of two creditable witnesses (whose names shall also be subscribed thereto), and shall then return the original, with a certificate under his signature endorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered, with references to the book containing the registry thereof, and the page and number under which the same shall have been entered therein.

See Sec. iv. Act IV. 1845.

X. The certificate of the register, endorsed agreeably to the forms described in Clause Second of the preceding section, shall be considered in all courts of justice to be sufficient evidence of the registry.

Certificates of the registry of deeds to be considered as evidence of their registry.

XI. The register shall, on application being made to him, allow all persons to inspect the register books, as well as grant copies of all deeds registered by him to persons whom they may concern; and such copies, in the event of the originals being lost, destroyed, or not forthcoming, shall be received as sufficient evidence of such deeds in all courts of justice whatever, proof being made by the subscribing witnesses to the original deed that the original was duly executed.

Register to allow all persons to inspect the register books.

To grant copies of deeds.

Copies of registered deeds lost or not forthcoming, to be considered by the Courts of Judicature as evidence of the originals, the execution of the latter being proved by the subscribing witnesses.

XII. If any person or persons shall at any time be suspected, on sufficient grounds for commitment, of counterfeiting or falsifying any entry in any of the register books ordered to be kept, or any certificate such as is directed to be granted by this Regulation, he or they shall be prosecuted on the part of Government in the Criminal Court of Judicature, and the several registers shall, as agents for the prosecution, adopt every legal measure in their power for the proof of the crime, and the due execution of the laws against the offender.

Persons counterfeiting or falsifying entries in the register books or certificates, to be prosecuted criminally.

XIII. Every register shall attend at his office for the dispatch of all business belonging thereto, during certain specified hours each day, between sunrise and sunset (Sundays and holidays excepted); and after determining the particular hours of such attendance, he shall affix a written notice thereof in some conspicuous part of his office for general information.

Hours for the registry of deeds.

See Sec. v. Act XXX. 1838.

XIV. The register shall be allowed a fee of two rupees for every deed registered by him, to be paid by the party causing the same to be registered, and no more; a fee of one rupee for every copy furnished of a deed registered by him, to be paid by the party applying for such copy, and no more; and a fee of half a rupee for every search made on an inspection of the register, to be paid by the party inspecting the same, and no more. The register is authorized to refuse the official acts required from him until these fees be paid; and from such fees he shall provide the necessary native officers to make the entries and copies directed, as well as the requisite stationery.

Fee to be allowed to the register for registering deeds, furnishing copies, and making searches.

Register may refuse to perform the official acts required of him until the fee be paid.

To defray the expense of the office from the fees.

Registers may appoint deputies to officiate for them, in the cases and under the rules herein specified.

XV. *The several registers are permitted, in case of absence from their stations, sickness, or any other disqualification from personal attendance to the duties of their office, to appoint (with the approbation of the judge to whom they may be registers respectively) a deputy, being a covenanted servant of the Company and duly qualified, to act for them; and such deputy so appointed and approved, after taking a similar oath to that prescribed for the register, shall be authorized to perform the several acts which the register is hereby empowered to perform. This permission, however, is to be expressly confined to the cases stated; and the registers, when present at their stations, are not to be allowed to employ any deputy, but are to be required to discharge personally the duties of the office committed to them.*

See Sec. ii. Reg. IV. 1824.

Superseded by Act XXX. 1838, in respect of officers appointed under that Act.

Regulation to be in force from the 1st January, 1796, and translate of it to be sent to all the cauzies of the provinces.

XVI. This Regulation is to be in force from the 1st January, 1796, and the judges of the several zillahs and cities in Bengal and Orissa are to transmit a copy of the Persian and Bengal translate of it to every cauzy in their jurisdiction; and the judges of the zillahs in Behar and of the city of Patna, are to transmit a copy of the Persian translate of it to each of the cauzies in their respective jurisdictions.

Reg. XXXVII. 1793.

A. D. 1793. REGULATION XXXVII.*

A REGULATION *for re-enacting, with Modifications, the Rules passed on the 23rd April,* 1788, *and subsequent Dates, for trying the Validity of the Titles of Persons holding or claiming a Right to hold altumgah, jaghire, and other Lands, exempt from the Payment of public Revenue, under Grants termed badshahee or royal, and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands, the Grants for which may expire, or be adjudged invalid:* PASSED *by the Governor-General in Council, on the 1st May,* 1793.

Preamble.

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land, unless it transfers its right thereto for a term, or in perpetuity. As a necessary consequence of this law, every grant or alienation of Government's proportion of the produce of lands without its sanction was considered null and

* So much of this Regulation as provides that before the Government shall proceed to assess land held free of assessment, the right to do so shall be established by the decree of a Civil Court in a suit to be instituted on behalf of Government, has been superseded by the enactment of Regulations II. 1819, IX. 1825, and III. 1828, which vest in the revenue authorities the primary cognizance and decision of such claims, subject to revision on appeal to the special commissioners, where those officers are appointed; or in other cases, by the Civil Courts, in original suits, in the nature of appeals to set aside such decisions. The same enactments authorize the collector to entertain claims of parties to hold lands free of assessment.—See Clause 11, Sec. v. Reg. IX. 1825.

By Sec. iv. Reg. II. 1819, the provisions of this Regulation were declared applicable to mocurrery and other grants limiting the demand of Government.

void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native Government, grants were occasionally made of the Government's share of the produce of lands, for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government continued to the grantees or their heirs such of these grants as were hereditary, and were made before the date of the Company's accession to the dewanny, provided the grantees or their heirs had obtained possession previous to that date; but those grants which were for life only have been invariably considered as resumable on the death of the grantees. No complete register of these grants having been formed on the Company's accession to the dewanny, nor subsequent to that period, many persons have retained possession of lands under fabricated or antedated grants, or have succeeded to life grants on the demise of the original grantee or former possessor, without the sanction of Government. The Governor-General in Council deeming it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands the grants for which might expire, and as the proprietors of estates were not entitled to collect such of the public dues from the lands included in their estates as Government had judged it advisable to transfer to individuals, or to resume those which had been alienated or were appropriated without authority, the amount of the revenue of the lands having in both cases been excluded from the assets on which the settlement was to be concluded, it was made a rule at the time of forming the decennial settlement, and which has been re-enacted by Section XXXVI. Regulation VIII. 1793, that the jumma assessed upon the estates of individuals was to be considered as exclusive and independent of all existing lakheraj lands, whether exempted from the kheraj or public revenue, with or without due authority; and by the third clause of the seventh article of the Proclamation contained in Regulation I. 1793, which specifies the conditions under which Government declared the decennial settlement permanent, it is expressly stipulated, that the Governor-General in Council will impose such assessment as he may deem equitable on all lands at present alienated and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles. The Governor-General in Council, however, at the same time that he is desirous of recovering the public dues from lands held under invalid tenures, is equally solicitous that persons holding lands under grants that are declared valid should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice or extortion, in the inquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants (provided the grantees or persons in possession register their grants as required in this Regulation) shall be tried in the Courts of Judicature, that no such grants may be resumed until the title of the grantee or present possessor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government, and further that Government and its officers may at all times have in their possession a correct register

of the lands in the several zillahs, held exempt from the payment of revenue under badshahee grants, the following rules, containing the rules passed on the 23rd April, 1788, and subsequent dates, with modifications, have been enacted.

Badshahee grants made previous to the 12th August, 1765, declared valid, provided the grantee obtained possession before that date, and has since held possession.

Grants made before the dewanny, of no validity if possession was not obtained prior thereto, or the grant has since been resumed by authority.

Courts to refer to the Governor-General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have resumed badshahee grants of land, made before the dewanny.

Claims to hold exempt from revenue under badshahee grants lands that had paid revenue for twelve years, not to be heard.

Exception.

Persons not being the original grantees, not to be entitled to hold lands exempt from the payment of revenue.

Nor to entitle heirs of persons now possessing exempted lands under life grants made previous to the dewanny, to hold such

II. *First.* Altumgah, jaghire, ayma, muddudmaush, or other badshahee grants for holding land exempt from the payment of revenue, made previous to the 12th August, 1765, the date of the Company's accession to the dewanny, shall be deemed valid, provided the grantee actually and bonâ fide obtained possession of the land so granted previous to that date and the grant shall not have been subsequently resumed by the officers or the orders of Government. If it shall be proved, *to the satisfaction of the court*, that the grantee did not obtain possession of the land so granted previous to the 12th August, 1765, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of Government, the grant shall not be deemed valid. See Secs. ii., and iii. Reg. XIV. 1825.

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a badshahee grant made previous to the date of the Company's accession to the dewanny, and on it being proved, *to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed*, that the grantee held the land exempt from the payment of revenue, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the *court* shall entertain doubts as to the competency of such officer, under the powers vested in him, to resume the grant and subject the lands to the payment of revenue, the *court* shall suspend its judgment, and report the circumstances to the Governor-General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant; and upon receiving the determination of the Governor-General in Council, the *court* is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any *Zillah or City Court*, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent authority within the twelve years, and proceeded in it, as required by Section XIV. Regulation III. 1793.

Third. But no part of the two preceding clauses is to be construed to empower the *courts* to adjudge any person, not being the original grantee entitled to hold land paying revenue to Government, exempt from the payment of revenue, under a jaghire, or other grant made previous to the Company's accession to the dewanny, where the grant may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Fourth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a jaghire, or other badshahee life grant, made previous to the dewanny, to succeed to, and hold such land exempt from the payment of revenue upon the demise of

the present possessor; where the grant may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant it shall be proved to be a life tenure only, according to the ancient usages of the country.

Lands exempt from the payment of revenue upon the death of the present possessor.

Fifth. The present possessors of lands now exempt from the payment of revenue under such jaghire or other life grants made previous to the dewanny, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives, and all such transfers and mortgages which have been or may be made, are declared illegal and void.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

See Sec. iii. Reg. XIV. 1825.

III. *First.* All badshahee grants for holding land exempt from the payment of revenue, which may have been made since the 12th August, 1765, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

All grants made or confirmed since the dewanny, excepting by the authority of Government or its officers duly empowered, declared invalid.

Second. If doubts shall be entertained by any *court* as to the competency of the authority of any officer to confirm any such grant, the *court* is to suspend its judgment, and report the circumstances of the case to the Governor-General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise, and the *court*, upon receiving the determination of the Governor-General in Council, shall decide accordingly.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

See Secs. xv. xvi. and xvii. Reg VII. 1822.

IV. It is to be understood that this Regulation respects only the Government proportion of the revenue arising from lands held or claimed to be held under badshahee grants, and whether Government is entitled to resume or retain such revenue or otherwise. Every dispute or claim regarding the zemindarry or proprietary right in lands included in any grant, is to be considered as a matter of a private nature between the contending parties, and is to be determined in the Dewanny Adawlut.

Questions regarding the proprietary right in lands included in grants, to be determined in the Dewanny Adawlut.

V. When a jaghire or other life grant shall escheat to Government, the collector is immediately to attach the revenue of the lands, and report the circumstance to the Board of Revenue, who are to obtain the orders of the Governor-General in Council regarding the resumption of the grant.

Collectors to attach the revenue of lands in escheated grants.

VI. When any badshahee grant shall be resumed, or expire, or escheat to Government, the revenue to be paid to Government from the lands included in it shall be assessed, and the settlement made in perpetuity, agreeably to the rules for the decennial settlement contained in Regulation VIII. 1793, with the person possessing the zemindarry or proprietary right in the lands, whoever he may be. If the proprietor shall refuse to pay the jumma demanded of him, the lands shall be held khas or let in farm, as directed in that Regulation.

Lands included in resumed grants to be assessed, and the revenue to be paid by the proprietor, according to the regulations for the decennial settlement.

VII. VIII. IX. [Suits by collectors for the recovery of invalid lakheraj.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

Persons claiming to hold lands paying revenue exempt from revenue under badshahee grants, to sue Government.

X. Any person having a claim to hold lands paying revenue exempt from the payment of revenue under a badshahee grant, must institute his claim against Government, who alone can be the defendant in such suits, in the Dewanny Adawlut of the zillah, in the same manner as in cases where individuals may claim a right to hold lands paying revenue, exempt from the payment of revenue under grants not of the description of those termed badshahee, in virtue of Regulation XIX. 1793. The collectors of the revenue are to defend all such suits as may be instituted against Government, and such suits, *and the suits which the Board of Revenue may direct the collector to institute*, are to be defended *or prosecuted* by the vakeel of Government, under the instructions of the collector; and in the event of Government being cast, either wholly or in part, or if the collector shall be dissatisfied with the decree, in any respect, all the rules contained in Section XXX. Regulation XIV. 1793, and the other sections in that Regulation, respecting decisions given against a collector in any Zillah Court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended *or carried on* at the expense of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal from the decision of the Zillah Court to be preferred *to the Provincial Court of Appeal, or from the decision of the Provincial Court* to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the *Provincial Court*, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal to the Governor-General in Council, who will direct the cause to be appealed or not, in either case, as may appear to him proper.

Collector to defend the suit.

Vakeel of Government to defend *or prosecute* suits instituted against *or by* Government.

Rules to be observed by the collector in the event of Government being cast wholly or in part.

XI. [Courts to award costs in cases of groundless prosecution.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

Grants forged or altered in any respect, or antedated declared void.

XII. If it shall appear to any Court of Judicature, during the course of a trial, that a grant has been forged, or that the name of the original grantee has been erased and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination or the terms of the tenure in the original grant have been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void.

Persons concerned in the frauds liable to a criminal prosecution.

XIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail, according to the circumstances of the case, to take his trial before the *Court of Circuit.*

XIV. [Revenue to be paid from date of first decree of resumption.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

Cases in and rules

XV. Altumgah, ayma, and muddudmaush grants are to be considered

See Sec. xxi. Reg. VIII. 1800.

as hereditary tenures. These and other grants, which from the terms or nature of them may be hereditary and are declared valid by this Regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferable by gift, sale, or otherwise, and all persons succeeding to such grants, by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser; and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation. Jaghires are to be considered as life tenures only, and with all other life tenures are to expire with the life of the grantee, unless otherwise expressed in the grant.

under which certain grants are to be transferable.

Jaghires to be considered as life tenures, unless the grant shall express otherwise.

*XVI. *First.* When any grant shall be adjudged invalid, or shall expire or escheat to Government, [*the name or names of the mohauls and villages, or lands, included in the grant, and the measurement thereof,*] the pergunnah in which the lands may be situated, [*the amount of the public revenue assessed thereon,*] the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by Section XXVIII.; and opposite to such entry the collector is to to insert in red ink the number of the page in the periodical register directed to be kept by Section XVII., in which the lands may stand recorded; and in the periodical register he is to specify in red ink the number of the page in the register of intermediate resumptions and occurrences in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions and occurrences are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section XVI. Regulation XLVIII. 1793, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the above-mentioned Regulation. The collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions and occurrences, the number of the page in the register of intermediate mutations in which the above-required entries may be made; and he is also to specify in red ink opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register and the register of intermediate resumptions and occurrences in which such entries respecting the land may be inserted.

Record of lands included in grants that may become liable to the payment of revenue.

Second. When land now subject to the payment of revenue shall be finally adjudged, on the claim of any individual, to be exempted from the payment of revenue under any grant, or when the Governor-General in Council shall make any new grant, [*the name or names of the mohauls,*

Record of land now subject to the payment of revenue, but which may be hereafter adjudged or become exempt from the payment of revenue, where to be made.

* By Sections xi. and xii. Regulation VIII. 1800, such parts of this Regulation as require a specification in the registers of the names of villages or other subdivisions, or of the measurement and rent of the lands, are rescinded.

villages, or lands, which may be so adjudged exempted, or granted, the measurement thereof,] the pergunnah in which they may be situated, the name or names of the grantee, [*the amount of the revenue before assessed thereon,*] and a copy of the decree or grant, are to be entered in the register of intermediate mutations, directed to be kept by Regulation XLVIII. 1793; and the collector is to insert in red ink, opposite to such entry, the number of the page in the last-formed quinquennial register in which such mohauls, villages, or lands may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions and occurrences directed to be kept by this Regulation, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of grants that may be next formed; and the collector shall insert in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken.

Register of badshahee grants to be prepared every five years.

Contents of the register.

Rescinded.—See note to Sec. xvi.

Denomination of the register.

XVII. That Government and its officers may have in their possession, at all future periods, a complete register of all the lands in the provinces held exempt from the payment of revenue under badshahee grants, a register of all such grants shall be formed every five years in each zillah. The register is to specify the denomination of each grant, whether altumgah, jaghire, or other tenure; the name of the original grantee and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship should exist, and in virtue of what right he succeeded to the grant; the date of the grant, [*the names of the mohauls and villages or lands comprised in the grant, or in which the grant may be situated,*] the person or persons possessing the zemindarry or proprietary right in the lands, [*the measurement in begahs of the mohauls and villages or lands included in the grant,*] and the name of the pergunnah, sircar, and soubah, in which the land granted may be situated. The register shall be denominated the "periodical register of lands held exempt from the payment of revenue, under badshahee grants."

Board of Revenue to prepare a form for the periodical register.

Collectors to adhere to the form.

See Sec. xvii. Reg. VIII. 1800.

XVIII. Upon the receipt of this Regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collectors, who are strictly enjoined to adhere to it.

Holders of grants allowed one year to register them from the time specified in the following section.

XIX. All persons actually holding lands exempt from the payment of public revenue under badshahee grants, and whether made or confirmed by the Government of the country for the time being, or by whatever authority, shall be allowed one year, from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue of the zillah in which the lands may be situated.

Publication to be made requiring all persons to register their grants.

See Sec. xix. Reg. VIII. 1800.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each zillah in which any jaghire, altumgah, ayma, or muddudmaush, or other lands held under sunnuds or grants termed badshahee, may be situated, upon the

receipt of this Regulation is to cause the following publication, which shall be written in the Bengal and Persian languages, in Bengal and Orissa, and in the Persian language, and the Hindostanee language and Nagarec character, in Behar, and attested with their official seals and signatures, to be fixed up in the principal cutcherry of the holders of grants of the description of those specified in this Regulation, and take a receipt from the holder of such grant, or the person entrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it.

Publication.

"In conformity to Regulation XXXVII. 1793, every person being actually in possession of altumgah, jaghire, ayma, muddudmaush, or other land, now exempt from the payment of revenue and held under badshahee grants, in the zillah of ———, whether made or confirmed by the Government of the country for the time being, or by whatever authority, are required to register the following particulars respecting such grants in the office of the collector of the zillah, before the expiration of one year from the date of this publication. If any holders of such grants who shall not register their grants, either in person or by a vakeel, with a vakalutnamah attested by two credible witnesses, and given for the express purpose of registering the grants, the grants will be considered liable to resumption, and the lands chargeable with the revenue, in the same manner as other lands subject to the payment of revenue. Persons having claims only to hold land exempt from the payment of revenue under such grants, but who do not now hold the lands exempted, are not to register the lands so claimed by them.

"Denomination of the grant, whether altumgah, jaghire, or other tenure.

"By whom granted.

"Name of the original grantee.

"Name of the present possessor, and if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily or by purchase, or what other mode.

"Date of the grant.

See note to Sec. xvi.

"The name or names of the mohauls or villages, or lands, comprised in the grant, or in which the land may be situated.

"The names of the zemindar or other proprietor of the mohauls, or villages, or lands included in the grant, whether such zemindarry or proprietary right shall be vested in the grantee or any other person.

"The measurement of each mohaul or village, or the land included in the grant.

"The pergunnah or pergunnahs in which the lands may be situated.

"A copy of the original grant and other writings under which the land may be held."

See Sec. xix. Reg. VIII. 1800.

Grants not registered within the prescribed time declared liable to resumption, unless the Governor-General in Council shall admit them upon the register.

XXI. If any person in possession of any such grant that may be now in force shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the grant shall, by such omission, become subject to resumption, and the lands shall become liable to the payment of revenue to Government. The Governor-General in Council, however, reserves to himself the power of admitting any grant upon the

See Sec. ii. Reg. LVIII. 1795.

register after the expiration of the prescribed time, in the event of the possessor showing good and sufficient cause, to his satisfaction, for not having registered it within the limited period, and the Board of Revenue are to report to the Governor-General in Council every case in which persons, who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor-General in Council, to be considered forfeited.

XXII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor-General in Council, are declared forfeited, and the lands shall be assessed with revenue, agreeably to the rules prescribed for the decennial settlement.

Registry of grants not to be considered as an admission of the possessor's proprietary right in the soil, nor of the validity of the grants.

XXIII. It is expressly declared, however, that the registry of a grant under this Regulation is not to be considered as an admission of the right of the person in whose name it may be registered to the property in the soil, nor of the validity of his grant. Any person will be at liberty to sue in the Dewanny Adawlut for the former, and he will be liable to be *sued* for the resumption of the grant by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that board that the grant is invalid.

See Sec. v. Reg. II. 1819.

Collector to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscriptions on the back of the register.

XXIV. Upon the expiration of the period for registering the grants in each zillah, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it:—"Periodical register formed under Regulation XXXVII. 1793, of altumgah, jaghire, and other lands held exempt from the payment of revenue under badshahee grants, in the zillah of ———, at the commencement of the year ——— Bengal (Fussily or Willaity) era, corresponding with the year of the Christian era ——— number ———." Each leaf of the book shall be paged, and be signed by the judge of the Dewanny Adawlut of the zillah; and on the last leaf of the book he is to note, in his own handwriting, the number of pages in the book, and subscribe the note with his signature; and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

Book to be paged, and each page to be attested by the judge of the zillah.

Judge to specify the number of pages in the book on the last leaf.

Second periodical register to commence with the year 1207, to be numbered two, and the subsequent registers in their order.

XXV. The second periodical register is to commence with the year 1207 of the era current in each province. This register is to be numbered two; and the periodical register, to be prepared at the commencement of every subsequent five years, in the order in which it may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXVI. The keepers of the native records are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the Dewanny Adawlut of the zillah, in the same manner as the books containing the English registers, and no other counterparts of the registers of grants shall be considered as authentic, but such as may be entered in a book so paged and attested.

Rescinded by Sec. xv. Reg. VIII. 1800.

In what language the counterpart registers are to be kept.

XXVII. The counterpart registers, in Bengal and Orissa, are to be kept in the [*Bengal and*] Persian languages, and in Behar, in the Persian language, [*and the Hindostanee language and Nagaree character.*]

Manner in which resumptions and other occurrences regarding grants in the intervals between the forming of the periodical registers are to be recorded.

XXVIII. For the purpose of recording all resumptions, or new grants, or other occurrences respecting the grants which form the subject of this Regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "The register of intermediate resumptions, or other occurrences, respecting altumgah, jaghire, or other badshahee grants," and shall have the following inscription on the back, "Register formed under Regulation XXXVII. 1793, of intermediate resumptions or other occurrences respecting altumgah, jaghire, or other lands, held exempt from the payment of revenue under badshahee grants in the zillah of ———, between the commencement of the year ——— and the end of the year ———, Bengal (Fussilly or Willaity) era." Previous to any entries being made in this register, it is to be paged, and the judge of the Dewanny Adawlut of the zillah is to sign each leaf of it, and on the last leaf note in his own handwriting the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register all grants not registered within the time prescribed in the publication in Section XX. which the Governor-General in Council may order to be admitted upon the register under Section XXI., all grants of land that may be adjudged or become liable to the payment of revenue, all lands now paying revenue which may be adjudged to be held exempt from the payment of revenue by any individuals under any grant, all new grants that may be made by the Governor-General in Council, and all exempted lands held under such grants which may be separated from or annexed to the jurisdiction of the zillah, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate occurrences, in the cases specified in Section XVI. in which entries are directed to be made in that register.

Documents respecting grants to be furnished by collectors of zillahs from which separations may be made.

XXIX. When mohauls are ordered to be separated from one zillah and annexed to another, the collector of the zillah from which the separation is to take place is to transmit to the collector of the zillah to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the badshahee grants in such mohauls, and also of any entries respecting them in the register of intermediate occurrences which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the Courts of Judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the collector of the zillah from which the separation may be directed to be made is to transmit to the judge of the Dewanny Adawlut of his zillah, *and also to the Provincial Court of Appeal of the division*, copies of the entries in the last periodical register and register of intermediate occurrences, which may relate to the grants to be separated

from his zillah; and the collector to whose zillah the annexation may be made is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding section) to the judge of the zillah, *and to the Provincial Court of Appeal of the division in which the lands may be included.* Immediately on the receipt of these papers, the courts from the jurisdiction of which the separation may be made are to transmit the papers in the causes depending before them, which in consequence of the separation may become cognizable in any other *Provincial Court of Appeal or* Zillah Court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collectors enjoined never to allow the register of intermediate occurrences to fall in arrear.

XXXI. The collectors are to attest all entries in the register of intermediate resumptions and occurrences with their official signatures; and they are strictly enjoined never to allow that register to fall in arrear, but to make the necessary entries immediately upon any resumptions or other occurrences taking place.

Counterpart of the English register of intermediate occurrences to be kept by the keepers of the native records

XXXII. A counterpart of the register of intermediate resumptions and occurrences is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are, in like manner, to be paged and attested by the judge of the Dewanny Adawlut of the zillah.

How errors in the fair copy of the periodical register, and in the register of intermediate occurrences, are to be corrected.

XXXIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the zillah, as directed in Section XXIV., if it shall be discovered that the entries respecting any grant are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions and occurrences, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entries in the periodical register, the number of the page in the register of intermediate resumptions and occurrences in which the errors or omissions may be noted, and at the end of the note specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions and occurrences are to be noted in a similar manner.

Similar rule with regard to errors in counterparts of the periodical register and register of intermediate occurrences in the native languages

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions and occurrences in the country languages shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Persons in possession of the proprietary right in the lands to be registered as the proprietors.

XXXV. If the proprietary right in any land included in a badshahee grant shall be under litigation in a court of justice, at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

XXXVI. If a collector shall have occasion to require from the holder of a grant any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions and occurrences, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such persons whatever daily fine may appear to them proper, on a consideration of his situation and circumstances in life and of the case, until he shall furnish the information required, unless he shall prove, to the satisfaction of the Board, that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collectors in the several zillahs with such records or information as they may possess regarding the exempted lands in their respective zillahs, as well to assist them in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands, now held exempt from the payment of revenue under grants, are liable to the payment of revenue according to this Regulation.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective zillahs.

See Secs. xv. and xvi. Reg VIII. 1800.

XXXVII. The collectors of the several zillahs are to transmit to the Board of Revenue, as early as may be practicable, an attested copy of the periodical registers, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the Dewanny Adawlut of the zillah, in the same manner as the original register, as directed in Section XXIV.; and within one month after the expiration of the third, sixth, ninth, and twelfth month of the Bengal, Fussly, and Willaity year (according to the era current in their respective districts), an attested copy of the entries in the register of intermediate resumptions and occurrences that may have taken place during the three preceding months. [*The collector of each zillah is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judge of the Dewanny Adawlut of the zillah and to the Provincial Court of Appeal, in the jurisdiction of which the zillah may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers of each zillah, and of the quarterly entries in the registers of intermediate resumptions and occurrences, as soon as they may receive them from the collectors.*]

Rescinded by Sec xv. Reg. VIII. 1800.

To whom the collectors are to send copies of each periodical register and of the quarterly entries in the register of intermediate occurrences.

XXXVIII. The Courts of Judicature, the Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions and occurrences, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

Courts, the Board of Revenue, and the collectors, to be careful to preserve the periodical registers and registers of intermediate resumptions.

XXXIX. The periodical register which is to be formed in each of the zillahs in Bengal, Behar, and Orissa, at the commencement of the Bengal,

From what materials the periodical register commencing with 1207,

and subsequent registers, are to be formed.

Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another zillah, and with the addition of any grants of land that may have been annexed to the zillah, or that may have been admitted upon the register by the Governor-General in Council under Section XXI.; also new grants made by the Governor-General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a badshahee grant, by a final decree of a Court of Judicature in a suit instituted under this Regulation. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XL. If it shall be proved, to the satisfaction of the judge of the Dewanny Adawlut of any zillah, that a native officer of a collector, or of an assistant to a collector, shall have received, directly or indirectly, any sum of money, or effects or other property, from any person for registering a grant under this Regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependants of a collector, or of an assistant to a collector convicted of the offence specified in the preceding section.

XLI. If any native servant or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the Court of Dewanny Adawlut of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property; and the collector or assistant is to discharge such servant, and never to employ him in his public or private capacity.

Regulation not to be considered to extend to grants not badshahee.

XLII. No part of this Regulation is to be considered to extend to lands held, or stated to be held, exempt from the payment of public revenue under grants not being of the description of those termed badshahee or royal. The rules applicable to such grants are contained in Regulation XIX. 1793.

A.D. 1793. REGULATION XXXVIII.

Reg. XXXVIII. 1793.

A REGULATION *for re-enacting, with Modifications, such Part of the Rule passed on the 27th June, 1787, as prohibits covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue, lending Money to Zemindars, independent Talookdars, or other actual Proprietors of Land, or dependent Talookdars, or Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for re-enacting, with alterations, the existing Rules prohibiting Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings, for carrying on Manufactures or other Purposes, without the Sanction of the Governor-General in Council:* PASSED *by the Governor-General in Council, on the 1st May,* 1793.

I. AT an early period after the establishment of the British Government in this country, the servants of the Company employed in the administration of justice and the collection of revenue were prohibited from lending money to the landholders and farmers, and others concerned in the collection or payment of the revenue, in order to guard against the abuses that the powers with which they were invested would have enabled them to practise, had they been permitted to engage in such transactions with individuals subject to their official control and authority. This rule was incorporated with the judicial Regulations passed on the 5th July, 1781, and has since continued in force. From a regard to the prejudices of the natives, and with a view to promote their ease and happiness, and to obviate the evils that would necessarily have resulted from allowing any persons, not amenable to the Provincial Courts of Judicature in common with the natives, to purchase or rent estates without restriction or limitation, or to hold any land whatever, excepting for the erection of dwelling-houses, or buildings for manufactures, or other commercial purposes, it was likewise early made a rule, that no European should purchase or hold land out of the limits of Calcutta without the sanction of Government. This rule was included in the Revenue Regulations passed on the 8th June, 1787, and has since remained in force. The rules above mentioned are hereby re-enacted with modifications.

Covenanted servants of the Company employed in the administration of justice or the collection of the revenue, prohibited lending money to proprietors or farmers of land, dependent talookdars, under-farmers, or ryots, or their sureties.

II. The judges and magistrates of the Zillah and City Courts, *the judges of the Provincial Courts of Appeal and the Courts of Circuit, and the registers to their respective courts*, and their assistants, or other officers being covenanted servants of the Company, and the collectors of the revenue and their assistants, are prohibited lending money, directly or indirectly, to any proprietor or farmer of land, or dependent talookdar, or under-farmer or ryot, or their sureties, and all such loans as have been made in opposition to the repeated prohibitions of Government, or which may

be hereafter made, are declared not recoverable in any Court of Judicature.

Europeans now possessing, or who may hereafter purchase, rent, or occupy land, without the sanction of the Governor-General in Council, liable to be dispossessed at his discretion.

III.* No European, of whatever nation or description, shall purchase, rent, or occupy, directly or indirectly, any land out of the limits of the town of Calcutta, without the sanction of the Governor-General in Council, and all persons now so holding land beyond the limits of Calcutta, without having obtained such permission, in opposition to the repeated prohibitions of Government, or who may hereafter so purchase, rent, or occupy land, shall be liable to be dispossessed of the land at the discretion of the Governor-General in Council, nor shall they be entitled to any indemnification for buildings which they may have erected, or other account.

Europeans not prohibited lending money to proprietors, &c. on mortgage of the estates or leases, not to be allowed to have possession of the land, or to have any concern in the collections.

IV.* Europeans who are not prohibited from lending money to proprietors or farmers of land, dependent talookdars, under-farmers, or ryots, and who may make loans to them on the security or mortgage of their lands or leases, shall not be allowed, directly or indirectly, to hold possession of the lands, the proprietary right in which, or lease whereof, may be mortgaged to them as security for the loan, or to make or appropriate the collections, or to have any concern or interference whatever in the management or collection of the rents or revenue of the lands.

Collector to depute an officer to measure ground, which the Governor-General in Council may permit a European to hold.

Collectors to report when any Europeans may possess themselves of land without authority.

V.* When a European shall be permitted by the Governor-General in Council to purchase, occupy, or rent any land out of the limits of Calcutta, it shall be measured by an officer to be appointed by the collector, and the expense attending the measurement shall be paid by the party purchasing, renting, or occupying the ground. It shall be the duty of the collectors to report to the Board of Revenue, for the information of the Governor-General in Council, every instance that may come to their knowledge in which Europeans may, directly or indirectly, purchase, occupy, or rent land without such authority.

Annual statement of lands held by Europeans to be sent by the collectors to the Board of Revenue.

VI.* Upon the receipt of this Regulation, the collectors are to transmit a statement, specifying the names of the Europeans possessing, renting, or occupying land within their respective zillahs, the extent of the land, the purpose to which it is applied, and from what period, and under what authority it has been so possessed, occupied, or rented. The collectors are to transmit a similar statement to the Board of Revenue annually, by the 1st of January.

* The provisions of Secs. iii. to vi. are superseded as regards British subjects by Act IV. 1837.

A.D. 1793. REGULATION XXXIX.*

Reg. XXXIX. 1793.

A REGULATION *for the Appointment of the Cauzy-ul-cozaat, or head Cauzy of Bengal, Behar, and Orissa, and the Cauzies stationed in the several Districts, and prescribing their respective Duties:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

I. CAUZIES are stationed at the cities of Patna, Dacca, and Moorshedabad, and the principal towns and in the pergunnahs, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious duties or ceremonies prescribed by the Mahomedan law, as have been hitherto discharged by them under the British Government, and also for superintending the sale of distrained property, and paying charitable and other pensions and allowances, under Regulations XVII. and XXIV. 1793. The nature of the above-mentioned duties renders it necessary that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trusts with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct, to the satisfaction of the Governor-General in Council. The following rules have been accordingly enacted.

See Act XXXVII. 1850.

II. *First.* The cauzy-ul-cozaat, or head cauzy of Bengal, Behar, and Orissa, shall be appointed by the Governor-General in Council, and shall not be removable from his office but for incapacity or misconduct in the discharge of his public duty, or acts of profligacy in his private conduct, proved to the satisfaction of the Governor-General in Council.

Head cauzy of the three provinces to be appointed by the Governor-General in Council.

Not to be removed but for incapacity or misconduct proved to the satisfaction of the Governor-General in Council.

Second. The head cauzy is to use a circular seal, two inches in diameter, on which shall be inscribed the designation of his office and his name in the Persian language, as follows:—"The seal of the cauzy-ul-cozaat of the provinces of Bengal, Behar, and Orissa." (Name of the head cauzy.)

Seal of the head cauzy.

III. *First.* The cauzies stationed in the cities, towns, or pergunnahs in the three provinces, shall not be removable from their offices, except for incapacity or misconduct in the discharge of their public duty, or acts of profligacy in their private conduct. The cauzies so stationed are to use a circular seal, one inch and a half in diameter, on which shall be inserted the designation of their office and their name, in the Persian language, as follows:—"The seal of the cauzy of the city (town, pergunnah, or pergunnahs) of ———." (Name of the cauzy.)

Rule in the preceding section applied to the cauzies stationed in the interior parts of the country.

Second. The rule contained in the preceding clause is not be construed to preclude the Governor-General in Council from abolishing the office of cauzy at any place where, from the number of cauzies stationed in the district or other cause, the continuance of such an officer may appear to him unnecessary.

Rule in the preceding clause not to preclude the Governor-General in Council from abolishing the office of cauzy at any place where he may deem the continuance of such an officer unnecessary.

* The power to confirm the appointment, resignation, or removal of cauzies of cities, towns, and pergunnahs, is vested in the Sudder Court by Sec. iv. Reg. VIII. 1809.

Vacancies in the office of cauzy in the interior parts of the country how to be supplied.

IV. When the office of cauzy in any pergunnah, city, or town shall become vacant, the judge of the Zillah or City Court, within whose jurisdiction the place may be situated, is immediately to report the vacancy to the *Governor-General in Council*, and recommend such person as may appear to him best qualified for the succession from his character and legal knowledge. The name of the person so recommended is to be communicated to the head cauzy, who, if he shall deem him unqualified for the office, either from want of legal knowledge or the badness of his private character, is to report the same in writing to the *Governor-General in Council, who reserves to himself the power of appointing such person to the office, or not, or of conferring it upon any other person, according as may appear to him proper.* If there shall appear to the head cauzy no objection to the appointment of the person who may be so recommended, he is to report accordingly to the *Governor-General in Council.* The person who may be appointed to the office shall be furnished with a sunnud of appointment, under the official seal of the head cauzy, in which the date of his appointment is to be specified.

Office of cauzy declared not hereditary.

V. The office of cauzy is declared not to be hereditary.

Courts of judicature to report incapacity or misconduct in the mofussil cauzies to the *Governor-General in Council.*

VI. *First.* The Zillah and City Courts, *and the Provincial Courts of Appeal,* are to report to the *Governor-General in Council* every instance in which it may appear to them that the cauzy of any pergunnah, city, or town, within their respective jurisdictions, is incapable, or in which it may be proved to their satisfaction that he has been guilty of negligence or misconduct in the discharge of his public duty, or of acts of profligacy in his private conduct.

Similar reports to be made by the head cauzy.

Second. It shall likewise be the duty of the head cauzy to report to the *Governor-General in Council,* in writing, every instance in which it may appear to him that the cauzy of any city, town, or pergunnah is incapable, or in which such cauzy may have been guilty of misconduct in the discharge of his public duty, or acts of profligacy in his private conduct.

Records to be kept by the head cauzy and the cauzies stationed in the interior parts of the country, which are to be delivered complete to their successors.

VII. The head cauzy and the cauzies stationed in the cities, pergunnahs, and towns, are to keep copies of all deeds, and law or other papers, which they may draw up or attest, and are to affix thereto their seals and signatures. They are likewise to keep a list of all such papers; and in the event of their death, resignation, or removal, the list and papers are to be delivered complete to their successors.

Rules regarding the fees of the cauzies.

VIII. The cauzies stationed in the cities, towns, and pergunnahs, are not to exact any fees for drawing up or attesting papers, or for the celebration of marriages, or the performance of any religious duties or ceremonies which it has been customary for them to perform; excepting such as the parties concerned may voluntarily agree to pay, as has been hitherto the practice.

Judges of the Zillah and City Courts to report the number of cauzies stationed in their respective jurisdictions.

IX. *Upon the receipt of this Regulation, the judges of the zillahs and cities are to transmit to the Governor-General in Council the names of the places in their respective jurisdictions in which cauzies are stationed, the names of the cauzies, and what number of cauzies they deem sufficient for their respective*

Superseded by Act I. 1839.

jurisdictions. The judges of the zillahs are to fix the residence of the cauzies stationed in the pergunnahs in the most centrical places, in order that distrainers of property, and persons whose property may be distrained, under Regulation XVII. 1793, *may have ready access to them.*

Cauzies of pergunnahs to be stationed in the centre of the pergunnahs.

See Sec. xii. Reg. XI. 1806.

X. The judges in Bengal and Orissa are to furnish the cauzies stationed in their respective jurisdictions with copies of the Persian and Bengal translates of all Regulations printed and published in the manner directed in Regulation XLI. 1793. The judges in Behar are to furnish the cauzies stationed in their respective jurisdictions with the Persian translates of all such Regulations.

Judges to furnish the cauzies with copies of the translates of all Regulations, published as directed by Regulation XLI. 1793.

XI. The cauzies stationed in the several zillahs and cities are to be liable to be sued in the Dewanny Adawlut for any undue practices in the discharge of the duties prescribed to them by *Regulation XVII.* 1793, *or* any *other* Regulation printed and published in the manner directed in Regulation XLI. 1793.

Cauzies stationed in the zillahs and cities liable to be sued in the cases herein specified.

A.D. 1793. REGULATION XL.

Reg. XL. 1793.

A Regulation *for granting Commissions to Natives to hear and decide Civil Suits for Sums of Money or personal Property of a Value not exceeding Fifty Sicca Rupees, and prescribing Rules for the Trial of the Suits, and enforcing the Decisions which may be passed upon them:* Passed *by the Governor-General in Council on the* 1st *May,* 1793.

[Rescinded by Section II. Regulation XXIII. 1814.]

A.D. 1793. REGULATION XLI.*

Reg. XLI. 1793.

A Regulation *for forming into a regular Code all Regulations that may be enacted for the internal Government of the British Territories in Bengal:* Passed *by the Governor-General in Council, on the* 1st *May,* 1793.

I. It is essential to the future prosperity of the British territories in Bengal, that all Regulations which may be passed by Government, affect-

* This Regulation is superseded by the powers vested, by the Act 3 & 4 William IV. cap. 85, in the Governor-General and Council of India, to make laws for every part of the British territories in India—with the aid of a fourth member of Council, appointed for that purpose, and of law commissioners (see Sections 40, 43, and 53, of the Act referred to). The Regulation is retained because it is a key to the constructions of the Regulations passed from 1793 to 1834, inclusive.

ing in any respect the rights, persons, or property of their subjects, should be formed into a regular code, and printed with translations in the country languages; that the grounds on which each Regulation may be enacted should be prefixed to it, and that the courts of justice should be bound to regulate their decisions by the rules and ordinances which those Regulations may contain. A code of Regulations, framed upon the above principles, will enable individuals to render themselves acquainted with the laws upon which the security of the many inestimable privileges and immunities granted to them by the British Government depends, and the mode of obtaining speedy redress against every infringement of them; the courts of justice will be able to apply the Regulations according to their true intent and import; future administrations will have the means of judging how far Regulations have been productive of the desired effect, and when necessary, to modify or alter them as from experience may be found advisable; new Regulations will not be made, nor those which may exist be repealed, without due deliberation; and the causes of the future decline or prosperity of these provinces will always be traceable in the code to their source. The Governor-General in Council has accordingly enacted as follows:

Rules and orders affecting the rights, persons, or property of the people, to be formed into Regulations in the judicial department, and printed and published as hereafter directed.

II. Every rule or order that may be passed by the Governor-General in Council regarding the administration of justice; the imposition or levying of taxes or of duties on commerce; the collection of the public revenue assessed upon the lands; the rights and tenures of the proprietors and cultivators of the soil; the provision of the Company's investment; the manufacture of salt or opium; and generally all Regulations affecting in any respect the rights, persons, or property of the natives, or any individuals who may be amenable to the Provincial Courts of Judicature, shall be recorded in the judicial department, and there framed into a Regulation, and printed and published as hereafter directed.

Regulations to be numbered.

First Regulation passed in each year to be numbered one, and the subsequent Regulations in their order.

Number of each Regulation, and the year in which it may be passed, to be inserted at the top of the page.

III. The Regulations passed annually shall be numbered. The first Regulation enacted in each year shall be numbered one, and all subsequent Regulations according to the order in which they may be passed. The number of each Regulation, and the year in which it may be enacted, is to be inserted at the top of every page, as in this Regulation.

A title to be prefixed to every Regulation.

IV. Every Regulation shall have a title expressing the subject of it as concisely as possible, similar to the title prefixed to this Regulation.

Regulations to have a preamble stating the grounds of their enaction.

Reasons for repealing or modifying former Regulations to be detailed in the preamble.

V. *First.* There shall be a preamble to every Regulation, stating the reasons for the enaction of it.

Second. If any Regulations shall repeal or modify a former Regulation, the reasons for such repeal or modification are to be detailed in the preamble.

Regulations to be divided into sections and numbered.

Preamble to be the first section.

Sections may be divided into clauses.

VI. Every Regulation is to be divided into sections. Each section shall be numbered according to the order in which it may occur. The preamble is to be considered as the first section. The sections, where necessary, may be divided into clauses; in which each clause is to be numbered in the same manner as the clauses in Section V. of this Regulation.

VII. In framing a Regulation, if there shall be occasion to refer to any clause or section of a Regulation or any Regulation at large; as, for example, the Second Clause of the Fifth Section, or the Fifth Section of this Regulation, or this Regulation generally; the reference, in each case, shall be expressed in the following manner: Clause Second, Section V. Regulation XLI. 1793. Section V. Regulation XLI. 1793. Regulation XLI. 1793.

References to clauses, sections, or Regulations, how to be made.

VIII. The subject of every section and clause shall be inserted opposite to it in the margin as concisely as possible.

Subject of clauses and sections to be inserted in a marginal note.

IX. Every Regulation is to be printed on paper of the same size as the paper on which this Regulation is printed.

Size of the paper on which Regulations are to be printed.

X. At the expiration of each year a copious index to the Regulations passed during the course of it shall be prepared and bound up with them.

Index to the Regulations passed annually to be prepared.

XI. The superintendent of the Company's press is to retain in his office one hundred copies of each of the Regulations that may be passed and printed annually, and the same number of copies of the translates of them in the Persian and the Bengal language. At the close of the year, after he has been furnished with the index ordered to be prepared in the preceding section, he shall bind up the English printed copies of the Regulations, and the Persian and the Bengal translates, each in separate volumes. The remainder of the English copies of the Regulations, and the Persian and Bengal translates, are to be distributed, as they are passed and printed, in such proportions as the Governor-General in Council may direct, amongst the courts of justice, the Boards of Revenue and Trade, the collectors of the land revenue and the customs, and the commercial residents and salt agents, or other public officers, or any individuals to whom it may be thought advisable to deliver copies.

Superintendent of the press to retain one hundred copies of the Regulations and the translates.

To bind up such copies and translates with the index.

Remaining copies how to be disposed of.

XII. Ten of the English copies of the Regulations passed annually, bound up with the index as directed in Section XI., shall be transmitted to the Honourable Court of Directors by the two first ships that may be despatched for England after the volumes are completed. Five copies are to be sent in each of the two ships. The remainder of the one hundred copies shall be distributed, in such proportions as the Governor-General in Council may direct, to the courts of justice, the Boards of Revenue and Trade, the collectors of the revenue, the commercial residents, and salt agents, or other public officers.

Ten of the English copies of the Regulations, bound up with the index, to be sent to the Court of Directors annually.

Remaining ninety copies how to be disposed of.

See Sec. xii. Reg. XI. 1806.

XIII. The Civil and Criminal Courts of Justice are to be guided in their proceedings and decisions by the Regulations which may be framed and transmitted to them as above directed, and by no other.

Courts of justice to be guided in their proceedings and decisions by the Regulations.

XIV. In the English drafts of Regulations, the same designations and terms are to be applied to the same descriptions of persons and things, in order that rights, property, tenures, privileges, deeds, courts, process, offices, officers, and generally all persons and things, may be uniformly described by the same designations and terms throughout the judicial code.

Persons and things to be described by the same designations and terms throughout the judicial code.

Regulations, with marginal notes, to be translated into the Persian and Bengal languages.

Number of the Regulation, and the year in which it may be passed, to be inserted in the translate, and the clauses and sections to be numbered as in the English draft.

XV. Every Regulation with the marginal notes shall be translated into the Persian and Bengal languages by the Persian translator to the Government, or such other person as the Governor-General in Council may expressly appoint for that purpose. The number of the Regulation and the year in which it may be passed, and the numbers of the sections and clauses, shall be inserted in the translates, in the same manner as in the English drafts of the Regulations.

Uniformity in designations and terms applied to persons and things to be carefully preserved in the translates.

All designations and terms not before used to be explained in the translates.

XVI. The translator is to be particularly careful to preserve in the translates the same uniformity in the designations and terms applied to persons and things, as is directed with regard to the English code in Section XIV. Whenever he shall have occasion to insert the designation or name of any person or thing that he may have reason to believe may not be intelligible to the natives in general, and which may not have been used and explained in the translates of any former Regulation, he shall, in the first passage in which such word or term may occur, subjoin an explanation of it, that upon its recurring no doubt may be entertained as to its true meaning and import.

Translator to correct errors of the press in the printed translates.

XVII. It shall be the duty of the translator to revise the proof-sheets of the printed translates, and to correct all errors of the press.

Translations to be made in plain and easy language, and the idiom of the languages to be adopted.

XVIII. The translator is to translate the Regulations into plain and easy language, and in all possible cases to reject words not in common use. As far as may be consistent with the preservation of the true meaning and spirit of the Regulations, he shall adopt the idiom of the native languages, instead of giving a close verbal translation of the English drafts, which must necessarily render the translates obscure, and often unintelligible to the natives.

One part of a Regulation to be construed by another.

XIX. One part of a Regulation is to be construed by another, so that the whole may stand.

Rules for construing new Regulations differing wholly or partially from former Regulations.

XX. If any Regulation shall be passed differing from a former Regulation, either wholly or partially, the new Regulation is to be considered as a virtual repeal of the old one as far it may differ from the latter; provided that the new Regulation be couched in negative terms, or by its matter necessarily imply a negative.

Repealed Regulation revived by the rescinding of the repealing Regulation.

XXI. If a Regulation that rescinds another Regulation is itself afterwards rescinded, the original Regulation is to be considered as revived, without any formal declaration to that purpose.

A.D. 1793. REGULATION XLII.

Reg. XLII. 1793.

A REGULATION *for re-enacting, with Modifications, the existing Rules for the Collection of the Government and Calcutta Customs:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

[Rescinded by Clause Second, Section II. Regulation IX. 1810.]

A.D. 1793. REGULATION XLIII.

Reg. XLIII. 1793.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 25*th February*, 1793, *for granting Lands to invalided Native Officers and Private Soldiers:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

I. JUSTICE and policy requiring that the jaghire establishment for invalids should be put upon such a footing as to render it productive of the benefits originally expected to result from it, viz. a comfortable retreat for worn-out native soldiers, with an ample subsistence for themselves during their lives, and decent provision for their families after their decease; and it being essential to the attainment of this object that the land should be procured without any infringement of the rights of the zemindars, the Governor-General in Council, on the 25th February, 1793, framed a code of rules for new modelling the establishment, in which provisions were made for obtaining the lands from the proprietors on lease, or by purchase, and for delivering them to the invalids in such a state as to enable them to render their respective jaghires immediately productive. To add to the security, and consequently the value of the tenures, the terms of them, and the privileges which they conferred on the grantees, were incorporated with the Laws and Regulations of the country. Provisions, also, were made for withdrawing the interference of the regulating officer from the tannahs upon the death of the original grantees, and leaving their descendants to blend with the mass of the community, but secured by the Regulations in the enjoyment of the rights and property which might devolve to them from their ancestors. Such parts of those rules, and of the rules passed on the 18th February, 1789, and the 24th December, 1790, therein referred to, as come within the description of the rules and orders specified in Section II. Regulation XLI. 1793, are hereby enacted into a Regulation.

[*This Regulation is rescinded by Section II. Regulation I.* 1804, *with the exception of Section XXXIII., which by Section XXVII. of that Regulation "is declared to remain in force." Some other rules were temporarily retained until the provisions then enacted should be carried into complete effect.*]

Rules in the preceding sections not applicable to the invalids who accepted of double portions of lands, under the resolutions of the 18th February, 1789, and 24th December, 1790.

XXXIII. *First.* No part of the rules in the preceding sections of this Regulation are to be considered applicable to the invalids who have accepted of double portions of land, under the resolutions of the Governor-General in Council passed on the 18th February, 1789, and the 24th December, 1790. Those invalids are dispersed in different parts of the country, receive no pay, are under no military control, and are entirely unconnected with the service. They are to be considered as tenants of the landholders in whose estates they are settled, and are subject to the jurisdiction of the Civil and Criminal Courts of Judicature, in the same manner as other individuals. To secure them and their heirs in the possession of the lands which have been made over to them, the collectors are to apply to the zemindars to grant them pottahs, confirming the land to them and their heirs as pottah talooks, agreeably to the terms of the above-mentioned Regulations, under which they received the lands, and which, as far as they regard the provinces of Bengal, Behar, and Orissa, are hereafter inserted, as the rules by which all questions regarding any such grants as may have been made are to be decided.

Invalids allowed the portions of land herein specified upon taking a discharge from the service.

Second. Regulations of the 18th February, 1789, Article 1st. Such invalid sepoys and native troops now at Monghir, and all who shall hereafter be invalided, as may be desirous of receiving grants of waste land in lieu of the pay allowed them by Government, upon taking a final discharge from the service shall be entitled to the same in the following proportions according to their rank:

Commandants of infantry, and Russuldars of cavalry ...	600 begahs.
Subadars of ditto, and first Jemadar of ditto	400
Jemadars of ditto, and second Jemadar of ditto	200
Havildar of ditto, and first Duffadars of ditto...	120
Naiks of ditto, and second ditto ditto	100
Sepoys and troopers...	80

Serangs, as Jemadars; Tindals, as Havildars; Cossobs, as Naiks; Lascars as Sepoys.

Lands to be granted in Behar, Shahabad, or Rotas, wherever the invalids may point out.

Third. 2nd. The lands shall be granted either in sircar Behar, Shahabad, or Rotas, and in such villages as each individual may point out.

Collectors how to proceed if lands cannot be procured in the villages which the invalids may point out.

Fourth. 3rd. Should any objection occur to the collectors of the above districts to granting waste lands to any individual in the village which he may fix upon, they are to allot lands to him in some of the villages most contiguous thereto, and to the granting of which no objection exists.

Government may assign lands in other districts, besides those specified in article 2nd.

Fifth. 4th. Waste lands are to be granted to the invalids in other districts, exclusive of those above mentioned, in such particular instances as the Governor-General in Council may think proper.

Rules to be observed by the collectors in selecting lands for invalids.

Sixth. 5th. The collectors of Behar and Shahabad are to be directed to make it a rule to select, as far as may be in their power, such tracts of waste land for the invalids as may be brought into cultivation with the least difficulty and at the smallest expense, and the quality of which may be such as to afford a produce adequate to the labour of the tillage; and that they be contiguous to parts of the country now in a state of cultivation, in order that the invalids may have an opportunity of procuring with greater facility such assistance as may be requisite for enabling them to establish themselves upon their lands.

Original grantee to hold the lands rent-free for life.

Seventh. 6th. The original grantee shall hold the lands allotted to him rent-free for life, without being subject to any tax or demand whatever.

Eighth. 7th. The sunnuds for the lands so granted in Behar, Rotas, and Shahabad, shall be made out under the official seal and signature of the collectors of those districts, who are respectively required to keep a register of all such grants, and to transmit copies thereof annually to the Board of Revenue.

Sunnuds for the lands by whom to be granted.

Ninth. 8th. Upon the death of the original grantee, his lands are to be continued to his heirs-at-law at a fixed jumma, to be assessed by the collectors aforesaid, in their respective districts, upon an estimate of the actual neat produce, after deducting one-tenth therefrom to be annually paid to the zemindar, as malikanah, by the mocurrery holder, who shall thenceforward be considered upon the same footing as other persons in the province holding lands at a fixed rent.

Upon the death of an invalid, his lands to descend to his heirs upon the terms herein specified.

Tenth. 9th. The collectors above mentioned having fixed the rent payable to Government and the amount of the zemindar's malikanah, as directed in the preceding article, shall cause mocurrery sunnuds to be drawn out and authenticated in the mode prescribed in the seventh article in the name of the heirs of the deceased, who shall accordingly hold the said lands in perpetuity, so long as they shall continue to discharge the rent and malikanah with which they may be so assessed.

Heirs of the invalids to receive the prescribed sunnuds, and to hold the lands whilst they discharge the malikanah and rent.

Eleventh. 10th. If the original grantee shall die within five years from the date of his grant, his heirs shall continue to hold the lands rent-free until the said period of five years from the date of such grant shall have elapsed, at the expiration of which the lands shall be assessed and held by him as directed in the two preceding articles.

Terms on which the heirs of invalids who may die within the first five years are to succeed to the lands of the deceased.

Twelfth. 11th. Should any of the mocurrerydars aforesaid omit to discharge the amount of the rent of Government, and the malikanah payable to the zemindar, their mocurrery leases, with the rights and privileges thereto annexed, are to be sold to the best bidder, for the liquidation of the amount of the demands against them.

Consequences attending the non-payment of the rent and malikanah.

Thirteenth. 12th. And in order that the men who may hereafter prefer this provision to the Boglepore establishment may be the better enabled to provide themselves with the implements of husbandry and the means of cultivating the lands assigned to them, it has been further agreed to grant to the several ranks a gratuity in money in the following proportions:—

Gratuity in money to be granted to invalids.

To each rank entitled to receive				600	begahs	...	150 sicca rupees.
Ditto	...	...	ditto	... 400	ditto	...	100
Ditto	...	...	ditto	... 200	ditto	...	50
Ditto	...	...	ditto	... 120	ditto	...	30
Ditto	...	...	ditto	... 100	ditto	...	20
Ditto	...	...	ditto	... 80	ditto	...	15

Fourteenth. Regulation of the 24th December, 1790. To obviate any objections which the landholders may entertain to the allotment of waste lands to invalids, the whole amount of the fixed jumma to be assessed upon such lands after the death of the original grantee, agreeably to the Regulations of the 18th February, 1789, shall belong to the proprietor of the village in which such lands may be situated; and he shall not be subject to any additional demand on the part of Government on account thereof, during the term of the engagements that may exist between him and Government, at the time that the lands so granted may become liable to payment of such jumma.

Landholders not to be subject to the payment of any increase of revenue to Government for the rent or malikanah herein specified.

Reg. XLIV. 1793.

A.D. 1793. REGULATION XLIV.

A REGULATION *for prohibiting the fixing the Jumma of dependent Talooks, or granting Leases or Pottahs for a Term exceeding ten Years; and, in Cases of Lands being disposed of at public Sale for the Discharge of arrears of the public Revenue, for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependent Talookdars, Under-farmers, and Ryots, for the Payment of Rent or Revenue on account of the Lands so sold:* PASSED *by the Governor-General in Council, on the* 1*st May*, 1793.

Preamble.

I. THE public demand upon the etates of the proprietors of lands with whom a settlement has been or may be concluded under the original regulations for the decennial settlement, having been declared fixed for ever, it is to be apprehended that many proprietors, either from improvidence, ignorance, or with a view to raise money, or from other causes or motives, may be induced to dispose of dependent talooks to be held at a reduced jumma, or fix the jumma of the dependent talooks now existing in their respective estates at an under-rate, or let lands in farm or grant pottahs for the cultivation of land at a reduced rent for a long term or in perpetuity. Such engagements, if held valid, would leave it in the power of weak, improvident, or ill-disposed proprietors, to render their property of little or no value to their heirs; promote vice and injustice; occasion a permanent diminution of the resources of Government arising from the lands, in the event of the rent or revenue reserved by such proprietors being insufficient for the discharge of the amount of the public demand upon their estates; be an abuse of the great and lasting benefit which has been conferred upon the landholders by the possession of their lands being secured to them in perpetuity at a fixed assessment; and moreover be repugnant to the ancient and established usages of the country, according to which the dues of Government from the lands (which consist of a certain proportion of the annual produce of every begah of land, demandable according to the local custom in money or kind, unless Government has transferred its right to such proportion to individuals for a term or in perpetuity, or fixed the public demand upon the whole estate of a proprietor of land, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public so long as he continues to discharge the latter), are unalienable without its express sanction. It is, at the same time, essential that proprietors of land should have a discretionary power to fix the revenue payable by their dependent talookdars, and to grant leases, or fix the rents of their lands for a term sufficient to induce their dependent talookdars, under-farmers, and ryots, to extend and improve the cultivation of their lands, and that such engagements should be held inviolable in all cases except where they may interfere with or affect in any shape the primary and indefeasible rights of Government. Upon the above grounds, and as the proprietors of land, previous to the decennial settlement being declared perpetual, were not entitled to enter into any engagements with their

dependent talookdars, under-farmers, or ryots, for a period extending beyond the term of their own engagements with the public, the Governor-General in Council has enacted as follows.

II. [No leases or other engagements to be made for a term exceeding ten years.]—*Rescinded by Section II. Regulation V.* 1812.

III. and IV. [Existing engagements not to be affected by division or transfer of the estate.]—*Rescinded by Section III. Regulation XVIII.* 1812.

Superseded by Secs. xxvi. and xxvii. Act I. 1845. See Secs. iv. and v. Reg. V. 1812.

When lands are sold to make good arrears of public revenue, all engagements subsisting between the proprietors and their dependent talookdars, farmers, and ryots, on account of such lands, to be null and void.

Exception to the rule.

V. *Whenever the whole or a portion of the lands of any zemindar, independent talookdar, or other actual proprietor of land, shall be disposed of at public sale for the discharge of arrears of the public assessment, all engagements which such proprietors shall have contracted with dependent talookdars whose talooks may be situated in the lands sold, as also all leases to under-farmers, and pottahs to ryots for the cultivation of the whole or any part of such lands (with the exception of the engagements, pottahs, and leases specified in Sections VII. and VIII.), shall stand cancelled from the day of sale, and the purchaser or purchasers of the lands shall be at liberty to collect from such dependent talookdars, and from the ryots or cultivators of the lands let in farm, and the lands not farmed, whatever the former proprietor would have been entitled to demand according to the established usages and rates of the pergunnah or district in which such lands may be situated, had the engagements so cancelled never existed.*

See Sec. xiv. Reg. I. 1801, and Reg. VIII. 1819.

This Regulation not to prohibit proprietors from disposing of dependent talooks.

VI. Nothing contained in this Regulation shall be construed to prohibit any zemindar, independent talookdar, or other actual proprietor of land, selling, giving, or otherwise disposing of any part of his lands as a dependent talook.

Nor to affect the jumma of the talookdars, whose jumma is declared unalterable by Section li. Regulation VIII. 1793.

VII. Nor to authorize the assessment of any increase upon the lands of such dependent talookdars as were exempted from any increase of assessment at the forming of the decennial settlement, in virtue of the prohibition contained in Clause First, Section LI. Regulation VIII. 1793. The revenue payable by such dependent talookdars is declared fixed for ever, and their lands are accordingly to be rated at such fixed assessment, in all divisions of the estate in which their talooks are included.

See Sec. ii. Reg. V. 1812; Sec. ii. Reg. XVIII. 1812; and Cl. 5, Sec. xxvi. Act I. 1845.

Nor to prohibit grants or leases for any term for the purposes herein specified, except to *British subjects and* Europeans.

VIII. Nor to prohibit actual proprietors of land granting, without the sanction of Government or its officers, to any person not being *a British subject or** a European, a lease or pottah for ground for any term of years, or in perpetuity, for the erection of dwelling-houses, or buildings for carrying on manufactures, or for gardens, or other purposes, and for offices for such houses or buildings.

* Superseded by Act IV. 1837.

Reg. XLV. 1793.

A.D. 1793. REGULATION XLV.

A REGULATION *for disposing of Malguzarry and Lakheraj Lands at public Sale, pursuant to Decrees of the Courts of Justice:* PASSED *by the Governor-General in Council, on the* 1*st May,* 1793.

[Repealed by Section I. Act IV. 1846.]

Reg. XLVI. 1793.

A.D. 1793. REGULATION XLVI.

A REGULATION *for admitting Persons of certain Descriptions to sue in the Courts of Civil Judicature as Paupers:* PASSED *by the Governor-General in Council, on the* 1*st May,* 1793.

[Rescinded by Section II. Regulation XXVIII. 1814.]

Reg. XLVII. 1793.

A.D. 1793. REGULATION XLVII.

A REGULATION *for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations:* PASSED *by the Governor-General in Council, on the* 1*st May,* 1793.

[Superseded by the abolition of those courts under the operation of Section XXVII. Regulation V. 1831, Regulation I. 1829, and Act VII. 1835.]

Reg. XLVIII. 1793.

A.D. 1793. REGULATION XLVIII.

A REGULATION *for forming a quinquennial Register of the landed Estates in Bengal, Behar, and Orissa, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate:* PASSED *by the Governor-General in Council, on the* 1*st May,* 1793.

I. THE public revenue assessed upon each estate, under the rules for the decennial settlement, being fixed in perpetuity, in each estate being

liable in progress of time to be divided and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale, and the security of the public revenue depending upon the allotment of it on each portion of every estate so divided being made agreeably to the rules prescribed in Regulation I. 1793; and it being necessary for enabling the officers of Government to apportion the public revenue in conformity to the rules contained in that Regulation, and for affording Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same zemindarry, talook, or chowdrai; and that every such union, and all such transfers, divisions, and allotments of the public revenue that have taken place since the commencement of the decennial settlement, or which may hereafter occur, should be traceable with facility and certainty at any future period; and it being also requisite for financial purposes, and for the information of the Courts of Judicature from or to whose jurisdiction any districts or lands may be transferred or annexed, that there should be a record of the transfer of all districts or lands from the jurisdiction of one zillah to that of another; the following rules have been enacted.

Quinquennial register to be prepared of the estates paying revenue to Government, and of the jumma assessed upon each estate.

II. *First.* Every five years, the collectors of the land revenue in the several zillahs are to prepare a register of all the estates in their respective zillahs, of whatever denomination or description, the proprietors of which pay the public jumma or revenue assessed upon their estates immediately to Government.

Amended by Sec. III. Reg. VIII. 1800.

Explanation of the term estate.

Second. By the term estate is to be understood any land being malguzarry, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government.

Names of estates to be arranged in alphabetical order.

III. The names of the estates in each zillah are to be arranged in alphabetical order, according to the English alphabet.

Estates to retain their present names.

IV. Estates having names are to retain the names by which they are at present distinguished.

Estates, the names of which are varied upon a change of the proprietor, to retain their present names.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estates are henceforth to bear the names by which they are at present distinguished.

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate regarding the name to be given to the estate, it shall be determined agreeably to the rules prescribed

for electing a manager of a joint undivided estate in [*Regulation VIII.* 1793;] with this qualification, that where the votes and interest in the estate may be equal, or the proprietors shall neglect to give a name to the estate upon the requisition of the collector, he shall name the estate without reference to the Board of Revenue.

Rescinded by Reg. XVII. 1805.

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguishing appellation of talook, tuppa, &c., they are to be placed on the register according to the initial letters of their names, and any such distinguishing appellations are to be inserted immediately after the names, as follows:

"Akberpore (tuppa or talook)," &c.

Estates which form specific portions of zemindarries, &c. to be stated under the general head of the original estate.

Second. Where a zemindarry, talook, or chowdrai, from whatever cause, shall have been, or may be divided into a number of shares, each consisting of a specific and ascertained proportion of the original estate, and the sharers shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the zemindarry, talook, or chowdrai, of which they originally constituted a part, as follows:

"Akberpore:
"Six annas,
"Three annas,
"Seven annas."

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or mohauls in an estate, not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale or by any private act of the proprietor, and the new proprietor shall have entered into, or may execute separate engagements to Government for the public revenue, the lands so transferred (which, agreeably to Clause Second, Section II. will form a separate estate) are not to be inserted under the head of the zemindarry, talook, or chowdrai, of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and distinct estates, and to be named under the rules above prescribed for the naming of estates.

Parts of the same estate in different zillahs, for which one engagement only has been given, to be registered as kismuts.

Fourth. If parts of the same estate shall be situated in different zillahs, and one engagement only shall have been executed by the proprietor to Government for the whole estate, in such case the portions in each zillah are to be registered as kismuts or parts of the estate, without any specification of the proportion that they may bear to the whole estate, which under such circumstances may not be ascertainable.

Names of the pergunnahs, *villages, &c.* in each estate to be specified.

*Fifth.** Under the head of each estate are to be specified the names of all the pergunnahs or other local divisions, *and the villages contained therein,* alphabetically arranged, *and where procurable from the accounts or records that may be obtainable, the rukbah or measurement of each village. A separate column is to be allotted for the measurement of the villages; and where it shall not be immediately procurable, the column shall be left blank for the*

* By Sections xi. and xii. Regulation VIII. 1800, such parts of this Regulation as require a specification in the registers of the names of villages, or other subdivisions, or of the measurement and rent of the lands, are rescinded.

present, and be filled up at a future period, whenever the villages may be measured by public authority to settle any dispute, or for other purposes.

Sixth. Where estates consist of one, two, or more villages, not comprising a whole pergunnah, the name of the pergunnah in which the estate may be situated shall be specified.

VIII.* *The annual revenue assessed upon each estate, or (where parts of an entire estate may be situated in different zillahs) portion of an estate, is to be inserted opposite to it in a separate column.*

Jumma to be inserted opposite to each estate.

IX. The name or names of the proprietor or proprietors of every estate shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer is to be specified.

Names of the proprietors of every estate to be inserted opposite to it.

X. The quinquennial register to be first formed for the zillahs in Bengal, Behar, and Orissa, shall commence with the Bengal,† Fussily,‡ and Willaity,‡ year 1202, and shall exhibit the estates in the several zillahs, and the required particulars respecting them, as they may stand at the commencement of that year, of the era current in each province. Upon this register being completed, a similar register shall be forthwith formed, to commence with the year 1197, and show the estates in the several zillahs as they stood at the commencement of that year of each era, being the first of the decennial settlement. The quinquennial register to be formed at the commencement of the year 1207 of the era current in each province, and every succeeding five years, is to exhibit the estates in each zillah as they may stand at that and each subsequent period.

Quinquennial registers in the several zillahs when to commence.

XI. The register to be first formed, and to commence with the Bengal, Fussily, and Willaity year 1202, is to be numbered two; the register to be next formed, commencing with the year 1197 of each era, is to be numbered one; the register to be formed at the commencement of the year 1207 of the respective eras is to be numbered three; and every subsequent quinquennial register in the order in which it may be formed.

Registers to be numbered.

XII. The register for each zillah is to be written on English paper, of the exact size of that on which the form hereafter directed to be prepared by the Board of Revenue may be written, and is to be bound up in one volume, on the back of which there shall be the following inscription:—"Register of estates paying revenue to Government in the zillah of———, at the commencement of the year ———, Bengal, (Fussily or Willaity) era ———, corresponding with the year of our Lord ———, Number ———."

Size of the paper for the register.

XIII. When the draft of the quinquennial register is completed, it is to be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the judge of the Dewanny Adawlut of the zillah, and on the last leaf of the book the judge is to specify in his own handwriting the number of pages contained in it; and no register shall be considered as authentic, but such as may be entered in a book so paged and attested.

No register to be considered as authentic excepting such as may be paged and signed.

Leaves of the register to be paged, and to be signed by the judge of the zillah.

* See note in preceding page. † April, 1795. ‡ September, 1794.

Counterpart register in the native languages to be kept by the keepers of the native records.

XIV. It shall be the duty of the keepers of the native records appointed under Regulation XXI. 1793, to keep an exact counterpart of the English register in each zillah, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the Dewanny Adawlut of the zillah, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic but such as may be entered in a book so paged and attested.

See Sec. xvii. Reg. VIII. 1800.

In what language the counterpart registers are to be kept.

XV. The counterpart registers [*in Bengal and Orissa*] are to be kept in the [*Bengal and Persian languages; and in Behar, in the*] Persian language, [*and the Hindoostanee language and Nageree character*].

Rescinded by Sec. xv. Reg. VIII. 1800.

Manner in which the mutations in property in the intervals between the forming of each quinquennial register are to be recorded

XVI. For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates that originally formed a part of the same zemindarry, talook, or chowdrai, which may take place during the five years subsequent to the forming of each quinquennial register, the collectors are to prepare a book, of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "Register of intermediate mutations in landed property," and have the following inscription on the back:—"Register of intermediate mutations in landed property between the commencement of the year ———, and the expiration of the year ———, Bengal (Fussily or Willaity) era." Previous to any entries being made in this register it is to be paged, and the judge of the Dewanny Adawlut of the zillah is to sign each leaf of it, and on the last leaf specify in his own handwriting the number of pages contained in the book. The collector shall cause to be entered in this register all divisions of estates or transfers of estates, or portions of estates, and every union of estates which originally constituted a part of the same zemindarry, talook, or chowdrai, that may take place during the five years subsequent to the formation of each quinquennial register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next quinquennial register, and shall attest the entry with his signature.

See Sec. xiv. Reg. VIII. 1800.

Documents to be furnished by collectors of zillahs from which separations may be made.

XVII. Whenever any estates, or portion of estates, shall be directed to be separated from one zillah and annexed to another, the collector of the zillah from which the separation may be ordered to take place is to transmit to the collector of the zillah to which the annexation is to be made, a copy of the entries in the last quinquennial register formed prior to the separation, which may relate to the several estates, or portions of estates to be separated: and of any entries respecting them in the register of intermediate mutations which may have taken place subsequent to the forming of the last quinquennial register. These documents are to be entered by the collector of the zillah to which the annexations may be directed to be made, in the register of intermediate mutations in his zillah, as materials for forming the next quinquennial register.

How separations and annexations altering the jurisdictions of the courts are to be made known to them.

XVIII. The Governor-General in Council will direct the order for the separations and annexations specified in the preceding article to be notified to the Courts of Judicature from the jurisdiction of which the

separation is to take place, and also to the courts to the jurisdiction of which the annexation is to be made. Upon the arrival of the period when the separation and annexation is to be carried into effect, the collector of the zillah from which the separation may be made is to transmit to the judge of the Dewanny Adawlut of his zillah, *and also to the Provincial Court of Appeal of the division*, copies of the entries in the last quinquennial register and register of intermediate mutations, which may relate to the estates or portions of estates to be separated from his zillah, and the collector to whose zillah the annexation may be made is to transmit copies of the above-mentioned entries (with which he is directed to be furnished by Section XVII.) to the judge of his zillah, *and to the Provincial Court of Appeal of the division in which it may be included.* Immediately upon the receipt of these papers, the courts, from the jurisdiction of which the separations may be made, are to transmit the papers, in the causes depending before them, which in consequence of the separation may become cognizable in any other *Provincial Court of Appeal or* Zillah Court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Further rules to be observed in keeping the register of intermediate mutations in property.

XIX. To facilitate reference, as well as the preparing of the new quinquennial register at the end of every five years, the collector is to insert in the preceding quinquennial register, in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and at the end of the note of the alteration in the last-mentioned register he is to insert, in red ink, the number of the page in which the estate may be registered in the quinquennial register; and every such entry shall be signed by the collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations is to specify the requisite particulars for completing the entries in the next quinquennial register, or refer to them if they be contained in the preceding quinquennial register. The collectors are strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property, or any separation or annexation of lands from or to their respective zillahs being notified to them through any of the channels specified in Section XXIV.

Counterpart of the English register of intermediate mutations in property to be kept by the keepers of native records.

XX. A counterpart of the register of intermediate mutations in landed property is to be kept by the keepers of the native records, in the same form as the English register, and in a book, the leaves of which are, in like manner, to be paged and attested by the judge of the Dewanny Adawlut of the zillah.

How errors in the fair copy of the quinquennial register and in the register of intermediate mutations are to be noted.

XXI. When a quinquennial register shall have been transcribed fair into the book attested by the judge of the zillah, as directed in Section XIII., if it shall be discovered that the entries respecting any estate are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the

register of intermediate mutations, and attest the entry with his signature and insert in red ink, opposite to the erroneous or incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations in which the errors or omissions are noted, and at the end of the note specify the number of the page of the quinquennial register in which the property may be registered. Errors or omissions in the register of intermediate mutations are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate mutations in the native languages.

XXII. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate mutations in the native languages shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Where the titles to estates are disputed, the party in possession to be registered as the proprietor.

XXIII. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a court of justice, at the time of forming the first or any subsequent quinquennial register, the party in possession is to be registered as the proprietor.

Collector from whence to be furnished with the necessary information for making the entries in the register of mutations in property.

XXIV. *First.* The collectors will be furnished, through the following channels, with the necessary information regarding the mutations in landed property, and the annexations to, or separations from, their respective zillahs, for making the requisite entries in the register of intermediate mutations.

Second. The Zillah and City Courts are required by Section IX. Regulation IV. 1793, to transmit to them copies of all decrees that they may pass, or which may be sent to them to be enforced by *the Provincial Courts of Appeal or* the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to Government.

Third. The Board of Revenue are to furnish them with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Fourth. In cases in which lands may be ordered to be sold at their cutcherries, they will have in their own possession the authority for the sale, and all the necessary information regarding the property transferred.

Fifth. They will likewise have in their possession the requisite information respecting the division or the union of estates which may take place under [*Regulation XXV.* 1793;] that Regulation directing that the division and union of all estates are to be made under their superintendence. Substitute Reg. XIX. 1814.

Sixth. By Section X. Regulation I. 1793, transfers of estates, or portions of estates, must be notified to them before the name of the new proprietor can be inserted in the register directed to be kept by Regulation XLVIII. 1793. See Secs. xx. and xxi. Reg. VIII. 1800.

Seventh. The keepers of the registers established by Regulation XXXVI. 1793, are required by that Regulation to furnish them with the particulars of all transfers of landed property that may be entered in their registers.

Proprietors, &c, liable to be fined for omitting to furnish any

XXV. If a collector shall have occasion to require from the proprietor or the farmer of an estate, or from a dependent talookdar or under-farmer,

any information that may be necessary to enable him to form a quinquennial register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue for the information of the Governor-General in Council, who reserves to himself the power of imposing on such person whatever fine may appear proper, upon a consideration of the case and his situation and circumstances in life. Upon receiving notice, through the Board of Revenue, of any such fines that may be imposed by the Governor-General in Council, the collector is to levy the amount, by the same process as he is authorized to have recourse to for the recovery of arrears of revenue.

Information that may be required by the collectors for preparing the registers.

XXVI. The collectors of the several zillahs are to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the quinquennial registers, both in the English and native languages, each in a book of the prescribed size, paged and attested by the judge of the Dewanny Adawlut of the zillah, in the same manner as the original register, as directed in Section XIII., and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, or Willaity year (according to the era current in their respective districts), an attested copy of the entries in the register of intermediate mutations that may have taken place during the three preceding months. [*The collector of each zillah is to transmit a similar copy of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the judge of the Dewanny Adawlut of the zillah, and to the Provincial Court of Appeal in the jurisdiction of which the zillah may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the quinquennial registers of each zillah, and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the collectors.*]

Collector to send duplicates of each quinquennial register to the Board of Revenue.

Rescinded by Sec. xv.; and see Sec. xvi. Reg. VIII. 1800.

XXVII. The courts of judicature, the Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the quinquennial register and registers of intermediate mutations, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects.

Courts, the Board of Revenue, and the collectors, to be careful to preserve the old quinquennial registers and registers of mutations.

See Sec. xvii. Reg. VIII. 1800.

XXVIII. Upon the receipt of this Regulation, the Board of Revenue are to prepare forms for the quinquennial register and the register of intermediate mutations, so that the first-mentioned register may exhibit the required particulars respecting each estate, and as far as may be practicable the sircars, pergunnahs, or other established divisions of the country, in which the estates in the several zillahs may be situated, and after submitting the forms for the approbation of the Governor-General in Council, they are to circulate copies to the collectors. The approved forms are not to be altered without the sanction of the Governor-General in Council; but the Board of Revenue are to suggest any improvements in

Board of Revenue to prepare forms for the quinquennial register and the register of intermediate mutations in property.

the forms that may occasionally occur to them; and in the event of their being adopted, they shall take place from the period fixed for forming the next quinquennial register, or at such other period as may be deemed advisable. Upon the receipt of this Regulation, the collectors are to proceed to collect the necessary papers and information for forming the quinquennial register which is to commence with the year 1202 of the era current in each province, and to register all mutations in property in their repective zillahs that may take place subsequent to the receipt of the Regulation. When the quinquennial register for the above-mentioned year is completed, or earlier if practicable, the collectors are to proceed to prepare the quinquennial register which is to commence with the year 1197, the first of the decennial settlement, and to complete the register of intermediate mutations to the expiration of the year 1201.

From what materials the register to commence with the year 1207, and every subsequent quinquennial register, are to be formed.

XXIX. The quinquennial register to be formed in each of the zillahs in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding quinquennial register, and the entries of subsequent mutations in property in the register of intermediate mutations, with the omission or addition of any estates, or portions of estates, that may have been separated from the zillah or annexed to it, subsequent to the forming of the last quinquennial register; the materials for each quinquennial register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

All persons at liberty to sue for any landed property registered in the name of another.

XXX. No part of this Regulation is to be considered to preclude any person who may deem himself entitled to any estate, or portion of an estate, paying revenue to Government, which may be entered in the quinquennial register, or the register of intermediate mutations, as the property of any other person or persons, from suing for the same in the Court of Dewanny Adawlut in which the claim may be cognizable.

Reg. XLIX. 1793.

A.D. 1793. REGULATION XLIX.*

A Regulation *for preventing Affrays respecting disputed Boundaries:* Passed *by the Governor-General in Council, on the* 28*th June*, 1793.

I. *Instances frequently occurring of proprietors and farmers of land, dependent talookdars, under-farmers, and ryots, seizing or ordering their agents and dependants to take possession by force, of disputed land or crops, under the pretext of their having a claim thereto, and frays often ensuing in*

* This Regulation is repealed by Act IV. 1840, but it seems necessary to retain it here because of the references made to it in Sec. iii. Reg. I. 1822, and in Act XXI. 1840.

consequence, which are generally attended with bloodshed, and not unfrequently with the loss of many lives on both sides; and the having recourse to these violent means, either for enforcing or resisting such claims, being not only highly criminal, but unnecessary, from the parties having it at all times in their power to obtain redress by application to the Courts of Judicature, the following rules have been enacted:

Persons having claims to disputed lands or crops not to take possession of them by force, but to sue for them in the courts of judicature.

II. *If a proprietor, or farmer of land, or a dependent talookdar, or an under-farmer, or a ryot, or other person, shall have a claim to any disputed land or crops in the possession of another, the claimant is prohibited from possessing, or attempting to possess himself of the land or crops by force, but is to prefer his claim to the Dewanny Adawlut of the zillah.*

Persons forcibly dispossessed of land or crops to complain to the judge of the zillah.

Judge to hear the complaint immediately, and upon proof of the dispossession to his satisfaction, to cause the land or crops to be restored to the complainant, or the value of the latter to be paid to him, without inquiring into the merits of the claim of the dispossessor.

III. *If any such claimant shall forcibly take possession of the disputed land or crops, the party dispossessed shall be at liberty to represent the circumstances to the judge of the Dewanny Adawlut, who is immediately to take cognizance of the complaint, and upon the previous possession of the complainant being proved to his satisfaction, shall, without inquiring into the merits of the claim of the dispossessor, cause the disputed land or crops to be restored to the complainant, or the value of the crops to be paid to him, if they shall have been damaged, destroyed, or shall not be forthcoming, and award against the offender such costs and damages as may appear to him equitable, leaving him to prefer his claim to the property in dispute to the Dewanny Adawlut.*

Right of the claimant to the disputed property to be forfeited if any person shall be killed, wounded, or violently beaten.

Offender, and all persons concerned with him, liable to be committed to take their trial before the Court of Circuit.

IV. *If any such complainant, or any persons accompanying him, in taking, or attempting to take possession of the disputed land or crops by force, shall kill or wound, or violently beat any person, the judge, upon the complainant proving previous possession to his satisfaction, shall not only proceed against the offender, as directed in the case specified in Section III., but his right to the disputed land or crops shall be adjudged forfeited to the complainant; and whether the dispossession be proved to the satisfaction of the judge or not, the offender and all persons aiding or assisting him in the act shall be committed or held to bail (according to the circumstances of the case), to take their trial before the Court of Circuit.*

Claimants not present, but indirectly concerned in the acts above prohibited, liable to the same consequences as if they were present.

V. *If the agents, servants, or dependents, or any persons in the employ of a claimant to the disputed land or crops shall take, or attempt to take possession thereof by force, and the actual claimant shall not be present, the judge shall nevertheless restore the disputed land or crops, or the value of the latter, to the person who had possession, if he shall have been dispossessed, and proceed against the parties actually present in the manner directed in Section IV. in the event of their having killed, wounded, or violently beaten any person; and if it shall be proved that the parties immediately concerned in taking, or attempting to take possession of the disputed property, acted by the orders, or with the knowledge or connivance of the actual claimant, he shall forfeit his right to the disputed property to the person dispossessed, and be liable to be proceeded against in the Criminal Court, in the same manner as if he had been present.*

Proprietors and

VI. *This Regulation affording ready means of redress to all persons who*

others prohibited resisting by force of arms persons attempting to dispossess them of disputed land or crops, or employing force to dispossess such persons in the event of their having taken possession.

may be forcibly dispossessed of land or crops, proprietors and farmers of land, dependent talookdars, under-farmers, and ryots, and all other persons, are prohibited from arming themselves, or entertaining armed pikes, or other persons, for the purpose of keeping possession of or guarding any disputed land or crops; and if any claimant to disputed land or crops shall go armed with a sword, stick, or other weapon, or give orders for, or connive at, any persons going so armed, to take possession of such land or crops, and the party in possession of the land or crops, or any person having a claim thereto, shall go armed, or give orders for, or connive at the assembling of any armed men, to prevent such claimant, or armed persons on his part, taking possession of the land or crops, or to dispossess them by force, should they have taken possession of the property, and a fray should ensue, and any person be killed, wounded, or violently beaten, on either side, the land and crops in dispute shall be adjudged forfeited to Government, and be disposed of as the Governor-General in Council may think proper, and both of the claimants to the property, and all persons present and assisting, or concerned in the fray, shall be committed to prison or held to bail (according to the circumstances of the case) to take their trial before the Criminal Court.

Reg. L. 1793

A.D. 1793. REGULATION L.

A REGULATION *for empowering the Court of Wards to exempt female Proprietors whom they may deem competent to the Management of their own Estates, from the Operation of Regulation X.* 1793, *and for modifying certain other Rules contained in that Regulation:* PASSED *by the Governor-General in Council, on the 6th December,* 1793.

I. THE produce of small estates, belonging to disqualified proprietors of land, being often too inconsiderable for defraying the expense of a separate manager and establishment; and it frequently occurring that portions of the same estate, belonging to a disqualified landholder, are situated in different zillahs, and as much inconvenience and embarrassment must consequently result from keeping distinct accounts for each portion under the different jurisdictions, especially when the manager may have occasion to apply the surplus of one portion to balance a deficiency in another portion of the estate, or to distribute on the subdivisions of the estate their proportions of the malikanah and charges, or to appropriate the surplus receipts to the improvement of the lands, or the purchase of landed property or government securities; and many female proprietors, from their education and habits of business, having been found competent to the management of their estates, and the Governor-General in Council being desirous that all such proprietors as are duly qualified should have the management of their own lands; and it often occurring, from the contiguity of a number of small estates belonging to disqualified proprietors, that a number of them can conveniently, and with advantage to the proprietors, be managed by the same person, the Governor-General in

Council has passed the following rules, applicable to the distinct considerations above enumerated.

II. In cases in which it shall appear to the Court of Wards that the produce of the estate of a disqualified proprietor is insufficient to provide for the expense of a separate establishment for the management of it, in conformity to Section XXI. Regulation VIII. 1793; and Regulation X. 1793, the court are empowered to take such measures as, from the circumstances of the case, may appear to them best calculated for providing for the security of the public revenue and the maintenance of the proprietors of the lands.

Court of Wards how to proceed where the produce of an estate is insufficient to defray the expense of an establishment for the management of it.

III. The Court of Wards are empowered to invest female proprietors of land with the management of their own estates, in cases in which the court may be fully satisfied that they are competent to the charge from their capacity and habits of business. The court are immediately to report to the Governor-General in Council every instance in which they may exercise the powers vested in them by this section, with the grounds on which they may deem the proprietors qualified for the management of their lands.

Court empowered to invest female proprietors with the management of their lands, when deemed qualified for the charge.

IV. Female proprietors who may be exempted from the operation of the Regulations regarding disqualified landholders, in virtue of the rule contained in the preceding section, are to execute the same engagements as other proprietors who are held qualified for the management of their lands.

Female proprietors invested with the management of their own estates to execute the same engagements as other proprietors not disqualified.

V. Where portions of the same estate belonging to a disqualified landholder may be situated in different zillahs, the Court of Wards are empowered to authorize the monthly and annual accounts of the whole estate required to be furnished by the manager, to be rendered to the collector of the zillah in which the principal portion of the estate may be situated, instead of delivering separate accounts for each portion to the collector of the zillah in which it may be included.

Manager's accounts of estates situated in different zillahs to be rendered to one collector.

VI. In cases in which, from the contiguity of a number of small estates belonging to disqualified proprietors, two or more of them can be conveniently superintended by one manager, the court are empowered to entrust as many of the estates to the management of the same person as may appear to them advisable.

Cases in which the Court of Wards are empowered to commit several estates to the charge of one manager.

Reg. LI. 1793.

A.D. 1793. REGULATION LI.

A REGULATION *for punishing Persons convicted of the illicit Manufacture or Vend of intoxicating Liquors or Drugs, who may be unable to pay the Penalty prescribed in Regulation XXXIV.* 1793, *and for defining more accurately the Amount of the Penalty to be exacted for such Offences:* PASSED *by the Governor-General in Council, on the 27th December,* 1793.

[Rescinded by Section II. Regulation X. 1813.]

Reg. I. 1794.

A.D. 1794. REGULATION I.

A REGULATION *for extending the Penalties prescribed by Regulation LI.* 1793, *for the illicit Manufacture or Vend of intoxicating Liquors or Drugs, to all other intoxicating Articles, for the making or vending of which a License is required to be taken out; and for giving to Informers one Moiety of the Amount of the Penalties which may be levied from Persons convicted of making or selling any such Articles without a License; and prescribing Rules for the speedy Apprehension and Trial of Persons charged with such Offences:* PASSED *by the Governor-General in Council, on the 24th January,* 1794.

[Rescinded by Section II. Regulation X. 1813.]

Reg. II. 1794.

A.D. 1794. REGULATION II.

A REGULATION *for postponing the Operation of Section LXI. Regulation VIII.* 1793, *in the Zillah of Boglepore, to the end of Kautic,* 1201, *Bengal era:* PASSED *by the Governor-General in Council, on the 14th March,* 1794.

[Extinct.]

A. D. 1794. REGULATION III.

Reg. III. 1794.

A REGULATION *for exempting Proprietors of Land (with certain Exceptions) from being confined for Arrears of Revenue; and for prescribing the Process by which Tehseeldars are to demand Payment of Arrears; and for enabling the Collectors to recover from Native Officers employed under them, public Money or Papers which they may embezzle or retain; and for expediting the Trial of Causes relating to the public Revenue or the Rents of Individuals:* PASSED *by the Governor-General in Council, on the* 14*th March*, 1794.

I. FROM the earliest times the rulers of these provinces have exercised a discretionary power of confining proprietors of land who have failed in the discharge of the public revenue, in addition to attaching and disposing of their property to make good the deficiency. The Governor-General in Council considering their property alone a sufficient security for the public dues, and being solicitous to refrain from every mode of coercion not absolutely necessary for realizing them: and instances having occurred of sezawuls, tehseeldars, aumeens, and other native officers, withholding the public money, or omitting to attend the collectors to adjust their accounts, or retaining papers which came into their possession in their official capacity; and it being necessary that the collectors should have the means of recovering the public dues and papers from such persons; and it being essential to the punctual collection of the revenue and the encouragement of agriculture, that all causes between Government and its subjects, and between individuals, regarding revenue or rent, should be determined as expeditiously as possible; the Governor-General in Council has passed the following rules.

II. [Revenue to be paid without demand before the first of following month.]—*Rescinded by Section I. Act XII.* 1841.

Proprietors of land not to be liable to be confined for arrears.

Exception to the rule.

Arrears how to be recovered.

III. Proprietors of land shall not be liable to be confined for arrears of public revenue, or for any demands of the nature of those specified in Section XL. Regulation XIV. 1793, excepting in the cases mentioned in Section XIV. Arrears due from proprietors of land are to be recovered in the manner hereafter prescribed.

IV. to VII. [Demand of arrears—sale—penalty on defaulters.]—*Rescinded by Section XXII. Regulation VII.* 1799.

Tuccavy, &c. are to be recovered in the same manner as arrears of revenue.

See Cl. 6, Sec. v. Reg. I. 1845.

VIII. Arrears due from proprietors on account of advances made to them by Government for any of the purposes specified in Section XL. Regulation XIV. 1793, are to be recovered by the same process as balances of revenue.

IX. and X. [Attachment of lands—resistance of attachment.]—*Rescinded by Section XXII. Regulation VII.* 1799.

Sections ix. x. xi. xiv. and xxii. of Regulation XIV. 1793, repealed.

XI. There being ground to believe that many proprietors and farmers of land have availed themselves of the rules in Sections IX. X. XI. XIV. and XXII. Regulation XIV. 1793, to withhold payment of the public dues, and the persons of proprietors of land being no longer liable to be confined for arrears, excepting in the cases specified in this Regulation, Sections IX. X. XI. XIV. and XXII. of Regulation XIV. 1793, are rescinded, and proprietors and farmers of land shall be bound to discharge all sums that may be demanded of them by the collector on the part of Government, *in the manner prescribed in Section III. Regulation XIV.* 1793, under pain of being proceeded against for such sums as for arrears. See Cl. 2, Sec. ii. Reg. XI. 1822.

Proprietors and farmers of land how to recover sums exacted from them beyond their engagements.

XII. That proprietors and farmers of land may be enabled to recover sums that may be exacted from them by the collector, on the part of Government, above what they may be bound to pay by their engagements; and that they may be indemnified from all loss they may sustain by such exactions, it is declared, that if a collector shall demand a sum of money from a proprietor or farmer of land, on account of arrears, *in the manner prescribed in Section III. Regulation XIV.* 1793, and the proprietor or farmer shall deny, by a writing to that effect addressed to the collector, the justness of the whole or a part of the demand, but to prevent any further process being issued against him shall discharge the whole of the demand, the proprietor or farmer shall be at liberty to sue the collector in the Dewanny Adawlut of the zillah for the recovery of the sum which he may consider to have been unjustly taken from him, and the court shall give judgment in favour of the complainant for all such sums as may be proved to have been unduly exacted from him, and the amount of such judgment shall be refunded to him from the public treasury of the zillah, with interest at the rate of twelve per cent. per annum, from the date of the exaction to the date of the decree. All the rules in Regulation XIV. 1793, respecting suits instituted against a collector for sums actually received by him, on the part of Government, from any proprietor or farmer of land, or from the surety of any farmer, are to be considered applicable to suits that may be instituted against a collector under this section. See Cl. 2, Sec. ii. Reg. XI. 1822. See Reg. II. 1814.

What rules in Regulation XIV. 1793, are to be considered applicable to suits instituted against the collector under this section.

How tehseeldars or other public officers are to require payment of arrears from proprietors or farmers paying revenue to them.

XIII. When arrears shall become due from proprietors or farmers of land, whose revenue may be made payable to a tehseeldar, or other officer appointed by Government to collect it, such officer is to demand the payment of the arrears by the same process as collectors are required to observe in requiring the discharge of arrears, by *Section III. Regulation XIV.* 1793. If the defaulter shall not liquidate the arrears by the prescribed period, the tehseeldar or other officer is to report the amount of the arrear to the collector, who is to proceed to the recovery of it by the same process as he is directed to observe in recovering arrears due from proprietors or farmers paying revenue immediately to the treasury of the zillah. See Cl. 2, Sec. xiii. Reg. VII. 1799, and Cl. 2, Sec. ii. Reg. XI. 1822.

Cases in which proprietors of land are liable to be imprisoned under Regulation XIV. 1793.

XIV. If the whole of the lands of a proprietor shall be sold for the discharge of arrears of revenue, or any of the demands specified in Section XL. Regulation XIV. 1793, and the proceeds of the sale shall not be sufficient to make good the arrears, or if the lands of a defaulting proprietor shall be put up to sale and no person shall offer to purchase them; in the

first case, the person of the defaulter, and any personal property which he may possess, and in the second, his person and property of every description, shall be liable for the balance to the operation of all the rules regarding defaulting proprietors, contained in Regulation XIV. 1793; excepting the rules in the several sections of that Regulation which are rescinded by Section XI. Whenever a collector may confine a proprietor under this section, after all his lands have been disposed of, he is immediately to report the circumstances to the Board of Revenue, who are to submit them for the information of the Governor-General in Council.

Collector to inform the Board of Revenue when he may confine a proprietor after his lands have been sold.

XV.* The collectors are to take security for the personal appearance of the tehseeldars, sezawuls, aumeens, [*dewans*,] serishtadars, moonshees, mohurrers, and all native officers entrusted with the receipt or payment of public money or the charge of public accounts, who now are, or may be hereafter employed under them, in their capacity of collectors of the revenue. The surety is to bind himself to produce the officer for whom he may become security before the collector, whenever his attendance may be required, until he shall be discharged from the public service, and shall have received a writing from the collector, signifying that he has no demand upon him on the part of Government, either for money, papers, or accounts belonging to the public, that may have been committed to him or come into his possession in his official capacity; and further, that in the event of his not producing such officer, he will be responsible for all demands that the collector may have upon him for public money, papers, or accounts, and be liable to be proceeded against in every respect, in the same manner as the officer himself, had he been forthcoming. When any such officer is removed or resigns, the collector is to grant him an acquittal to the above effect, after he shall have delivered up all public papers, accounts or money, that may have been committed to his charge. The collectors may require such officers to give new sureties, in cases in which they may have ground to believe that the former sureties, whether admitted by themselves or their predecessors, are not responsible.

Collectors to take security for the personal appearance of the native officers herein specified.

Conditions to which the surety is to be bound.

See Acts XII. and XIII. 1850.

XVI. If a collector shall have a claim, on the part of Government, on any of the native officers described in the preceding section, for a balance of accounts, or money or papers belonging to Government, he is to require the payment of the money or the delivery of the papers, by a writing under his official seal and signature, and the signature of his [*dewan or other*] head native officer of his dufter for the time being, specifying the amount of the money, or the particular papers required, and the date and place that may be fixed for the delivery of the money or papers. If the officer shall not discharge the money or deliver up the papers by the limited time, the collector is empowered to apprehend him, and convey him to the gaol of the Dewanny Adawlut of the zillah, the judge of which court shall detain him in confinement until the sum demanded of him shall be discharged, or he shall have delivered up the papers. The collector is

Collectors how to proceed to recover public money or accounts in the possession of native officers.

* Act XII. 1850, prescribes security to be taken from all "public accountants;" and Act XIII. of that year provides for the punishment of breaches of trust by public servants.—Regulation II. 1813, prohibits the use of public money by native officers.—Those enactments must be consulted in carrying out the intentions of the following sections.

authorized, likewise, to attach such part of the real or personal property belonging to the officer, as may be sufficient to make good the sum which may be due from him. If his property shall be in another zillah, he is to apply to the collector of that zillah, who shall cause it to be attached. If the property shall be within the cities of Patna, *Dacca*, or Moorshedabad, the collector is to apply to the judge of the zillah, through the vakeel of Government, to make application to the judge of such city to attach and deliver it into the charge of the nearest collector. The Board of Revenue are empowered to order the property to be sold, under the rules by which the lands of proprietors are directed to be disposed of for the discharge of arrears of revenue. In the event of the death of any such officer, the surety is to be exonerated from all responsibility, and the collector is to proceed against his heirs, by a regular suit in the court to which they may be amenable, for any claims which Government may have upon the deceased. The suit is to be carried on by the vakeel of Government, and at the public expense, and the rules in Regulation XIV. 1793, regarding suits so carried on by the collectors, are to be held applicable to it.

Collectors how to proceed where officers abscond or are not forthcoming.

XVII. If any such native officer, who may have retained public money or papers in his possession, shall abscond or not be forthcoming, the collector may proceed against the surety upon his engagement, or apprehend the offender and commit him to prison, if he be within the limits of the zillah; or if he shall have taken refuge in any other zillah, or in either of the cities of Patna, *Dacca*, or Moorshedabad, and the collector shall deem it necessary to require his personal attendance that he may proceed against him instead of his surety, the collector is to apply to the judge of the zillah to request the judge within whose jurisdiction the officer may be or reside, to cause him to be apprehended. The judge to whom the application may be made is to convey the officer in safe custody to the gaol of the zillah from which he may have absconded.

Collector how to proceed in case of the officer absconding without having adjusted his accounts, or omitting or refusing to attend for that purpose.

XVIII. If a collector shall have occasion to require any such officer to attend to adjust his accounts, that the sum due from him may be ascertained, and he shall not attend upon being required by a writing to that effect, under the official seal and signature of the collector, to be fixed up in his cutcherry, and at the place in the zillah at which the officer may have last resided, the collector is empowered to prepare the most accurate statement that he may be able of the money or papers in the possession of such officer, and proceed against the surety, upon his engagement, for the balance or papers, in the same manner as if the accounts had been adjusted, and the list of the papers prepared in the presence of the officer; or he may cause the officer to be apprehended by his own authority under Section XVI., if he be within the limits of the zillah, or if he shall have taken up his abode in any other zillah, or in either of the cities of Patna, *Dacca*, or Moorshedabad, by application to the judge, in the manner directed in Section XVII. If it should afterwards appear, upon inquiry before the court, that no part, or a portion only, of the sum demanded was due from him, or that the papers required were not in his possession, the collector shall not be liable to pay any damages for having confined him, and all costs that may be incurred in the suit or inquiry shall be paid by the officer.

XIX. If any such officer or his surety shall be confined on account of a claim for public money, and previous to the sale of his property, or supposing the collector not to have been able to get possession of any property belonging to him, at any time subsequent to his confinement, shall deny the justness of the whole or any part of the demand made upon him by the collector, and find some responsible person who will become security that he will institute a suit in the court in fifteen days against the collector to try the demand, and to pay the sum that may be awarded against him, with costs and interest at the rate of twelve per cent. from the date on which the sum may be demanded of him to the date of the decree, the court is to discharge the officer or surety, and proceed to the trial of the suit; and if any property belonging to the officer or surety shall have been ordered to be sold, the sale shall be countermanded, and the property restored to the owner.

Officers or sureties confined for a demand of money to be released in the case herein specified.

See Reg. II 1814.

XX. If any such native officer, or his surety, shall be committed to custody by the collector, and shall not obtain his release in the mode specified in Section XIX., he shall nevertheless be at liberty, whilst in confinment, to sue the collector by whom he may have been confined, should he deem the demand upon him unjust.

Native officers or their sureties at liberty to sue the collector whilst in confinement.

XXI. The collectors are to appoint one of the authorized vakeels of the courts to defend any suits which may be instituted against them by any such native officers or their heirs or sureties, under this Regulation; and all the rules in Regulation XIV. 1793, regarding suits instituted against the collector for sums demanded or received by him on behalf of Government, and which are not repealed by this Regulation, are to be considered applicable to such suits.

Collectors to appoint an authorized vakeel of the court to defend the suits herein specified.

See Sec. xiii. Reg. VII. 1799.

XXII. The *Provincial Courts of Appeal, and the* Zillah and City Courts, are to appropriate one day, or two or more days when they shall deem it necessary, in each week, for the trial of all suits between Government or the collectors, and proprietors or farmers of land, regarding demands on account of the public revenue assessed upon the lands, or advances for tuccavy, water-courses, reservoirs, or embankments, and also suits between proprietors and farmers of land, and dependent talookdars, regarding revenue, or between any of the above descriptions of persons and their under-farmers and ryots, regarding rent, or the rates of pottahs, or advances for tuccavy, water-courses, reservoirs, or embankments. The courts are to proceed to the trial of the causes above mentioned on the days so allotted, without regard to any other descriptions of causes that may have been previously filed, which are to be tried on separate days.

Provincial, Zillah, and City Courts to set apart one, or two or more days in a week for the trial of suits respecting rent or revenue, &c.

See Reg. VIII. 1831.

Reg. IV. 1794.

A.D. 1794. REGULATION IV.

A REGULATION *for exempting the Part of the Zillah of Ramgur included in the Soubah of Behar from the Operation of the Rules in Regulation VIII.* 1793, *regarding the Appointment of Putwarries, and the Delivery of Pottahs to the Ryots; and for postponing the Operation of Section LXI. Regulation VIII.* 1793, *in the Zillahs of Rajeshahy, Purneah, and the Zemindarry of Nuddea; and for providing for Cases in which Ryots may omit or refuse to take out the prescribed Pottahs when tendered to them; and for determining any Disputes that may arise between the Proprietors and Farmers of Land, regarding the Rates of Pottahs that are to be granted pursuant to Regulation VIII.* 1793, *or the Rates at which Pottahs expiring or becoming cancelled under Regulation XLIV.* 1793, *are to be renewed:* PASSED *by the Governor-General in Council, on the* 27*th March,* 1794.

I. THE proprietors and farmers of land in the portion of the zillah of Ramgur included in the soubah of Behar, having represented the impracticability of conforming to the Regulations for granting pottahs, from the body of the ryots in that part of the country being unable to read or write, and being accustomed to cultivate the lands under verbal agreements and terms entirely dissimilar to those which prevail in other parts of the provinces; and having also stated the heavy expense to which they would be subjected, were they to be compelled to appoint putwarries to keep the accounts of the villages, under the rules prescribed in Section LXII. Regulation VIII. 1793, owing to the small number of the villages, their distance from each other, and the inconsiderable revenue which, from the inland situation and the mountainous and uncultivated state of the country, is collected from them; and the proprietors and farmers of land in the zillah of Purneah, and the proprietor of the zemindarry of Nuddea, having represented that a further time will be required to enable them to complete the delivery of pottahs to the ryots; and it having appeared that ryots frequently omit or refuse to take out pottahs, although the persons from whom they are entitled to demand them offer to grant them in the form and on the terms prescribed; and it being essential to the protection of the ryots and the future prosperity of the country, that rules should be adopted for determining disputes that may arise between the ryots and the proprietors and farmers of land, or dependent talookdars, regarding the rates of the pottahs required to be granted by Regulation VIII. 1793, or the rates at which pottahs that may expire or become cancelled under Regulation XLIV. 1793, are to be renewed; the Governor-General in Council has enacted the following rules.

Behar portion of the Ramgur zillah exempted from the rules regarding pottahs.

II. The rules contained in Sections LIV. LVI. LVII. LVIII. LIX. LXI. Regulation VIII. 1793, are not to be considered applicable to that part of the zillah of Ramgur which is included in the soubah of Behar.

III. [Qualification of Section LXII. Regulation VIII. 1793, regarding

the above-mentioned districts.]—*Rescinded by Section II. Regulation XII.* 1817, *and Section III. Regulation I.* 1819.

IV. [Period for the delivery of pottahs in Purneah and Nuddea extended.]—*Expired.*

Rules for cases in which ryots omit or refuse to receive the prescribed pottahs.

V.* The ryots in the different parts of the country frequently omitting or refusing to take out or receive pottahs, although the persons from whom they are entitled to demand them are ready to grant them [*in the form and*] on the terms prescribed by the Regulations, it is declared, that if a proprietor or farmer of land, or a dependent talookdar, [*after the approbation of the collector to the form of the pottah or pottahs for the lands in his estate or farm shall have been obtained, as prescribed in Section LVIII. Regulation VIII.* 1793,] shall fix up in the principal cutcherry or cutcherries of his estate or farm a notification in writing, under his seal and signature, specifying that pottahs *according to the form approved*, and at the established rates, will be immediately granted to all ryots who may apply for them, and stating where, and when, and by whom the pottahs will be delivered, the notification shall be considered as a legal tender of a pottah, and the proprietor of land, the farmer, or the dependent talookdar, shall be deemed to have complied with the orders in Section LIX. Regulation VIII. 1793, and the persons so tendering pottahs shall be entitled to recover the rents due to them from such ryots, either by the process of distraint laid down in Regulation XVII. 1793, or by suit in the Dewanny Adawlut.

Modified by Reg. V. 1812.

Rules for determining disputes regarding the rates of pottahs to be granted under Regulation VIII. 1793.

VI.* [*The approbation of the collector required to be obtained to pottahs by Section LVIII. Regulation VIII.* 1793, *is to be considered to extend to the form only.*] If a dispute shall arise between the ryots and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs (whether the rent be payable in money or kind), it shall be determined in the Dewanny Adawlut of the zillah in which the lands may be situated, according to the rates established in the pergunnah for lands of the same description and quality as those respecting which the dispute may arise.

Rule in the preceding section applied to the renewal of pottahs that may expire or become cancelled under *Regulation XLIV.* 1793.

See Sec. V. Reg. XLIV. 1793.

VII. The rules in the preceding section are to be considered applicable not only to the pottahs which the ryots are entitled to demand in the first instance, under Regulation VIII. 1793, but also to the renewal of pottahs which may expire or become cancelled under *Regulation XLIV.* 1793. And to remove all doubts regarding the rates at which the ryots shall be entitled to have such pottahs renewed, it is declared, that no proprietor or farmer of land, or any other person, shall require ryots whose pottahs may expire or become cancelled under the last-mentioned Regulation, to take out new pottahs at higher rates than the established rates of the pergunnah for lands of the same quality and description, but

* It is provided in Sec. iii. Reg. V. 1812, that all rules restricting the "forms" of pottahs shall be rescinded, and the landholders and their tenants are declared free to make reciprocal engagements in such "form" as they may agree upon; and it is further enacted, that the courts shall enforce payment of the sums specified, excepting only any arbitrary cesses, should any have been included in the amount.

that ryots shall be entitled to have such pottahs renewed at the established rates, upon making application for that purpose to the person by whom their pottahs are to be granted, in the same manner as they are entitled to demand pottahs in the first instance, by Regulation VIII. 1793.

Reg. V. 1794.

A.D. 1794. REGULATION V.

A REGULATION *for restricting the Sudder Dewanny Adawlut, and the Provincial Courts of Appeal, from admitting Appeals from Decisions passed by any of the Courts of Dewanny Adawlut, heretofore denominated Courts of Mofussil Dewanny Adawlut, between the 6th April,* 1781, *and the 1st May,* 1793, *that were declared to be final by the Regulations for the Administration of Justice which existed during that Period:* PASSED *by the Governor-General in Council, on the 30th May,* 1794.

[This Regulation has ceased to be operative.]

Reg. VI. 1794.

A.D. 1794. REGULATION VI.

A REGULATION *for postponing to the 10th April,* 1795, *the Operation of such Parts of Sections XVIII. XIX. XX. and XXIII. Regulation XXXV.* 1793, *as regard the Silver Coin:* PASSED *by the Governor-General in Council, on the 30th May,* 1794.

[Extinct.]

Reg. VII. 1794.

A.D. 1794. REGULATION VII.

A REGULATION *for enabling one Judge of Circuit to hold the Courts for the half-yearly and monthly Gaol Deliveries; and for empowering one of the Judges of the Provincial Court of Appeal in each Division to remain at the Sudder Station to transact certain Parts of the Business of the Court, whilst the other Judges are making the Circuits; and for providing against the Absence or Indisposition of the Judges or their Law Officers, and against Vacancies in the Judicial and Law Appointments:* PASSED *by the Governor-General in Council, on the 17th October,* 1794.

[Superseded by the abolition of the Provincial Courts of Appeal and Courts of Circuit.]

A. D. 1794. REGULATION VIII.

Reg. VIII. 1794.

A REGULATION *for extending and defining the Powers given by Section VI. Regulation XIII.* 1793, *to the Registers of the Zillah and City Courts, to try and decide Causes referred to them by the Judges of their respective Courts, and for empowering the Zillah and City Courts, in certain Cases, to refer Rent and Revenue Accounts to the Collectors for report:* PASSED *by the Governor-General in Council, on the* 14*th November*, 1794.

I. To prevent the time of the judges of the Zillah and City Courts being occupied with the trial of petty suits, and consequently to enable them to determine causes of magnitude with greater expedition, they were empowered by Section VI. Regulation XIII. 1793, to authorize the registers of their respective courts to try and decide any suits for money or any personal property where the amount or the value of the thing contested should not exceed the sum of two hundred sicca rupees, and for malguzarry land, the annual produce of which should not be above two hundred sicca rupees, and for lakheraj land the produce of which should not be more than twenty sicca rupees per anuum. But the same Regulation directing that the decrees so passed by the register were to be countersigned by the judge to denote his approbation of them, and were not to be considered valid unless they were so countersigned, and this restriction being equally applicable whether either of the parties were dissatisfied with the decision or otherwise, and, in fact, rendering the judge solely responsible for it, he was necessarily obliged to revise the proceedings of the register in every case, which often occupied as much of his time as would have been required for the trial of the suits in the first instance, and consequently tended to defeat the object of the reference. From these circumstances, the judges have seldom found it expedient to exercise the discretionary power vested in them of referring suits for trial to their registers. With a view, therefore, to the full attainment of the object of the rule, and to prevent the time of the Courts of Appeal being occupied by petty suits, and further to expedite the administration of justice by relieving the Zillah and City Courts from the trouble of arranging and comparing the long and intricate accounts, the adjustment of which is frequently necessary for the decision of suits between individuals respecting land rents or revenue, the following rules have been enacted.

II. Section VI. Regulation XIII. 1793, is hereby rescinded, and the following rules substituted in lieu of it.

Section vi. Regulation XIII. 1793, rescinded.

III. to XII. [Rules for the reference of suits to the zillah registers.]—*Superseded by Section XXIX. Regulation V.* 1831, *and the abolition of the office of zillah register—suits to be referred to Sudder Ameen or Principal Sudder Ameen according to amount.*

Courts empowered to refer certain rent or revenue accounts to the collectors for report.

XIII. In causes concerning rent or revenue, or other matters heretofore cognizable in the Courts of Maal Adawlut, between proprietors of land, or farmers of land holding their farms immediately of Government, and their respective dependent talookdars, under-farmers, or ryots; or between dependent talookdars and their under-farmers, or ryots; or between under-farmers, farming lands of proprietors of land, or of farmers of land who farm their lands immediately of Government, or of dependent talookdars, and their dependent talookdars, under-farmers, or ryots; or between other persons concerned in the collection or payment of land rents or revenues, either as principals or sureties; the judge is empowered to refer to the collector for his report, any accounts, the adjustment of which may be necessary towards the decision of the suit. The reference is to be made to the collector by a precept under the signature of the judge and the seal of the court, in which shall be specified the accounts referred, and the papers which the judge may think it necessary to send in elucidation of them, and the time by which the report is to be made. The judge may likewise command the parties or their vakeels, and any witnesses they may have to produce, to appear before the collector, that he may examine them regarding the accounts, and also empower the collector to administer the customary *oaths* to the witnesses, or to examine the parties on *oath*, if they shall agree to be so examined. The collector shall submit his report on the accounts to the court by the prescribed time, attested by his official seal and signature, or assign his reasons for not having been able to complete it by the period directed. The judge, upon the receipt of the collector's report, shall either confirm, set aside, or alter his adjustment of the accounts, or pass such decision respecting them as may appear to him proper. But the rules in this section are not to extend to empower the judge to refer to the collector any accounts relating to suits in which he or any of his public officers, or private servants, or Government, may be a party.

Modified as regards claims to arrears of rent by Reg. VIII. 1831.

Judges prohibited referring accounts to the collector in suits in which he, or any of his officers or servants, or Government, may be a party.

Reg. I. 1795.

A.D. 1795. REGULATION I.

A Regulation *for fixing in Perpetuity the Revenue assessed on the Lands in the Province of Benares; for the more general Restoration of the ancient Zemindars; and for extending to the Province of Benares the Rules prescribed in Regulation XLI.* 1793: Passed *by the Governor-General in Council, on the 27th March,* 1795.

Preamble.

I. The Governor-General in Council having determined, with the concurrence of the Rajah of Benares, to introduce into that province, as far as local circumstances will admit, the same system of interior administration as has been established in the provinces of Bengal, Behar, and Orissa, and the limitation of the annual revenue payable from the lands forming an essential part of that system, as stated in the preamble to Regulation II. 1793, the following rules have been enacted.

The origin and pro- II. On the expiration of the year 1195 Fussily, the Governor-General in (Sept. 1788.)

Council instructed the resident to make the settlement of the revenue for (1788-9.) the ensuing year 1196, under his own immediate control. The resident accordingly completed the settlement, by granting leases for the term of one year to certain aumils, and for five years to others, by which they bound themselves to pay a specific jumma or assessment. But the Governor-General in Council being desirous of extending to the province (Sept. 1789.) of Benares from the beginning of the year 1197, as far as circumstances might admit, the principles of the decennial settlement directed to be formed in the provinces of Bengal, Behar, and Orissa, those principles were accordingly introduced in the districts of which the aumils, in the preceding year, had obtained leases for five years, by their consenting to the resident's issuing pottahs or leases, under their and his joint seals and signatures, for the remaining four years of the term of their own engagements, to all the talookdars, and to the village zemindars and farmers, by which it was stipulated that they should pay a certain fixed assessment, the amount of which should be received by the aumils, and accounted for by them to Government; and in the districts, the leases of which had been granted for one year only, and had consequently expired, by the issuing of pottahs to the talookdars, and the village zemindars and farmers, under the signature of the resident and the rajah, fixing the revenue to be in like manner paid by them through the aumils for the term of ten years. The particulars of these arrangements were detailed in the reports on the said settlements for one year, and for four and ten years, made to the Governor-General in Council, by the resident, on the 26th of April, the 30th of November, and the 26th of December, 1789, and the 25th November, 1790, and in the papers and accounts therein referred to; and on a consideration of them, the Governor-General in Council, on the 11th of February, 1791, approved of the said quartennial and decennial settlements with the talookdars, village zemindars, and farmers, and ordered "that the four years' pottahs be confirmed for the ensuing six, so as to reduce the whole to a ten years' settlement, and that assurances be given to the pottah-holders, that as long as they continue to pay their revenue stipulated in the last year of the increase, as specified in their several pottahs, they shall not be liable to any further demand during their lives." This order has been repeatedly notified to the parties whom it concerned, who, with the exception of the pottah-holders in a few pergunnahs, and of certain individual zemindars and farmers in others, have, by the performance of the conditions required of them, become entitled to hold their lands at a fixed assessment during their lives, as specified in the said order. The Governor-General in Council has now further resolved, that the revenue stipulated to be paid on account of the lands included in the quartennial and decennial pottahs, the conditions of which have been performed, whether held by zemindars or farmers, shall be fixed in perpetuity, and that the person or persons now holding, or who may hereafter become entitled under the Regulations to succeed to such pottahs, shall not be liable to any additional payment beyond the highest annual jumma specified in such pottahs. That this resolution may be rendered more immediately and generally known, the resident is to notify it to the parties interested by a proclamation to the following effect.

gress of the assessment of the land revenue in the province of Benares.

Revenue assessed on the lands included in pottahs, and the conditions of which have been performed, fixed in perpetuity.

Proclamation.

Revenue assessed on the lands, agreeably to the pottahs granted under the rules for the quartennial and decennial settlements, declared fixed in perpetuity.

III. *First.* "On the 11th February, 1791, the Governor-General in Council signified his approbation and confirmation of the quartennial and decennial settlements, formed in the Fussily year 1197 (1789-90), throughout the four sircars comprised in the province of Benarès, and directed in respect to the pottahs for four years, that the amount of the jumma payable thereby in the fourth year should be continued for the next six years, so as to place the quartennial pottahs on the same footing as the pottahs granted for ten years. The Governor-General in Council now declares that the jumma payable according to the quartennial and decennial pottahs shall remain fixed for ever, so that no sum exceeding the amount specified as the highest annual jumma payable according to the said pottahs shall ever be required of those pottahdars, or holders of pottahs, who have hitherto paid up their revenue and observed all the other conditions specified in their pottahs, nor of those who may hereafter become entitled to hold or succeed to such pottahs, so long as they shall continue to discharge the amount, and to perform the conditions therein stipulated."

See Cl 4, Sec. vii. Reg V 1795.

Reservations under which the above declarations are made.

Second. "The above declarations are made with the following reservations."

Third. "The holders of the pottahs are to be considered as bound to conform to all regulations regarding them, the preservation of the rights of the putteedars, or sharers in estates, the ryots, or the administration of justice, which have been or may be passed by the Governor-General in Council, and printed and published in the manner prescribed in Regulation XLI. 1793."

Rule regarding the succession to zemindarries.

Fourth. "The succession to zemindarries is to take place according to the established laws, rules, and customs of the country, as provided for in the Regulations passed, or which may be enacted, for the province of Benares, and printed and published in the manner prescribed in Regulation XLI. 1793."

Cases in which a zemindar dispossessed before the 1st July, 1775, shall be restored to his estate, on the avoidance of the pottah which may have been granted for it to a farmer.

Conditions under which such restoration is to take place.

Fifth. "In the event of the death of a farmer holding a pottah for lands, the zemindar of which was dispossessed previous. to the 1st July, 1775, the date of the cession of the province of Benares to the Company, or of the pottah of any such farmer becoming otherwise void, it has been determined, with the concurrence of the Rajah of Benares, that such zemindar, or his heir or heirs, shall be restored to the estate, provided he or they shall agree to pay the fixed jumma assessed on the lands agreeably to such pottah, and to conform to all regulations for the collection of the revenue, the administration of justice, or other matters, which may be printed and published in the manner prescribed in Regulation XLI. 1793. In such case, the estate shall be made over to him or them, in preference to its being leased to a new farmer, or to the heir of the last pottah-holder."

Cases in which zemindars who have had possession of their estates since the 1st July, 1775, but which may have been leased to farmers, may recover possession from such farmers

Sixth. "According to the well-known rule prevailing in the province, those zemindars who have had possession of their estates since the 1st of July, 1775, but who were nevertheless excluded at the forming of the permanent settlement, may recover possession of their estates from the farmers who may hold pottahs for, and be in the actual management of them, by proving their intermediate possession in the court of Dewanny Adawlut. The Courts of Dewanny Adawlut are accordingly to decree the restoration of any such zemindar so claiming, on proof being made by him

See Sec viii Reg. XXVII 1795.

of such intermediate possession; but every such decree is to provide for such zemindar's previously indemnifying the farmer for the loss which he may prove, to the satisfaction of the court, to have sustained in consequence of his having held the lands under the pottah of Government, and the court is accordingly to inquire into and decide upon such loss, and to cause the amount to be made good to the farmer, before the zemindar is reinstated."

Regulation XLI. 1793, extended to Benares.

IV. The rules contained in Regulation XLI. 1793, entitled "A Regulation for forming into a regular code, all Regulations that may be enacted for the internal government of the British territories in Bengal," are hereby declared to extend to the province of Benares; and that no doubt may be entertained what Regulations so enacted may be meant to extend to that province, or otherwise, it is hereby declared, that no such Regulation that has been or may be passed previous to, on, or after this date, shall be considered to extend, either wholly or in part, to the province of Benares, unless the title to the Regulation, or the Regulation itself, or some other Regulation, shall declare the whole or a part of it to extend to that province.

A. D. 1795. REGULATION II.

Reg. II. 1795.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules regarding the temporary and permanent Settlements of the Revenue, in the Province of Benares:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. PREVIOUS to the year 1781, the resident stationed at Benares on the part of the British Government was not empowered to interfere in any respect in the settlement or collection of the revenue of the zemindarry. On the accession of Rajah Mahipnarain, in 1781, the administration of the revenue was committed to the charge of naibs acting on his behalf, and subject in some degree to the control of the resident. In the year 1787, the resident himself was intrusted with the superintendence of the formation of the settlement and the collection of the revenue. The successive measures that have been adopted from the beginning of the Fussily
(Sept. 1787.) year 1195, which commenced in September, 1787, regarding the settlement and collection of the revenue of the province, are hereby enacted into a Regulation.

Engagements of the aumils in 1195.

II. At the recommendation of the resident, a new form of cabooleat was taken by the rajah from the aumils (then the farmers of the revenue), on the conclusion of the settlement which he entered into with them for the
(1787-8.) Fussily year 1195. In this cabooleat it was stipulated, that the aumils should pay to the rajah the jumma for which they had severally engaged, according to the tushkhees or account particulars of the revenue funds in their respective aumildarries, including nuzeranna, and the Government's

moiety of the bhuray, and russoom khazanah, and exclusive of the articles of mujray, maafy mamooly, and the kharij jumma, which consisted principally of lands exempted from the payment of revenue, and partly of pensions, and charitable and other allowances, charged on the public revenue. This jumma was to be paid agreeably to the kistbundy or instalments for regulating the periods of the payments of the aumils, which then generally extended from the beginning to the end of the year; and the aumils further agreed, that on proof of their making any undue exactions beyond the tushkhees or funds assigned to them, they should be liable to pay a fine of three times the amount to Government.

Penalty for undue exactions.

Provisions for remedying the abuses in the system of collecting the public revenue.

III. *First.* With a view to provide against sundry abuses and irregularities in the system of realizing the public revenue, the resident, on the 25th June, 1788, desired the rajah to cause a new form of pottah to be established and issued to the ryots, specifying the denomination and length of the rod by which the betay lands (lands, of the produce of which Government, or the person having the collection of its dues, is entitled to a certain proportion, the value of which, estimated at the current market price, is paid in money by the cultivator of the land), were to be measured, in case such measurement should be demanded by either party, on the arrival of the period when the produce of the crops of the ryots is estimated by the mode termed kunkoot; and as in many places, where the revenue was thus paid on such estimations of the harvests, disputes occurred between the ryot and the aumil, as to the value in money at which the crop was to be appreciated, it was provided that twice in the year, or for each harvest, the valuation of the crops should be settled for each pergunnah separately, by the authority of Government, and a notification thereof issued; the rates to be paid for the grain or crops in the khereef to be fixed in the month of Maug, and those of the rebby-harvest in Jeyte, according to the actual market prices then current in the several parts and divisions of the country. The above mode of estimating the produce, and appreciating the value of the crops, is accordingly in future to constitute the rule for ascertaining the collections to be made from the betay lands, and for adjusting the aggregate amount of them for the whole year, the kists due on each harvest being immediately paid on account, according to the usual proportion of the mofussil kistbundy or instalments. The practice of agore betay (taking the Government's half of the produce in kind after the crop has been reaped or gathered) was at the same time forbidden, as affording to individuals the means of defrauding Government of its due proportion of the produce; and in the form of the pottahs for the betay lands it was directed to be specified, whether the value of the produce was to be divided between the aumil and the ryot in equal proportions, or with such zabetaneh, or established difference, as the custom of each pergunnah authorized.

Measuring-rods.

Valuation of crops.

Agore betay forbidden.

Authorized rates of assul and abwaub on land in cultivation.

Second. In the pottahs for nukdy land (land paying a specific money rent per begah), the name and length of the null or measuring-rod was directed to be mentioned; and as, since the year 1781, sundry new articles of abwaub and charges had been introduced, the pottah provided that all new abwaub and charges introduced since the Fussily year 1187 should, from (1779-80.) the year 1196 of the same era, be considered as prohibited and relinquished, and that the maal or original rent, and abwaub or cesses, which (1788-9.)

existed in that year, viz. 1187, Fussily, being incorporated with the maal, so as to form only one aggregate sum, this sum or specific rate should constitute what the ryots or cultivators of the nukdy lands were to pay per begah.

Third. The rent of waste land intended to be brought into cultivation was directed to be fixed at such rates as the ryots might willingly agree to pay, and without abwaub.

Rates of fallow or uncultivated lands.

IV. On the 1st of July, 1788, the canongoes were apprized of the above rules, and of the rajah having deputed aumeens, for the purpose of carrying them into effect; and they were further informed that they were to co-operate in fixing the jumma of the nukdy lands, and ascertaining the proportion and mode of assessment on the betay lands; and that wherever, during the administration of Rajah Cheyte Sing, the nul or measuring-rod was more or less than the rod of three dirrahs ilahee (which rod alone was ordered to be used for the future), or wherever a begah consisted of a greater or less extent of land than twenty biswahs in the Fussily year 1187, they were to adjust, in proportion to these varieties in the rod and in the extent of the begah, the rates and modes of the nukdy and betay revenue in one sum, agreeably, and as nearly as might be possible equivalent, to the assul and abwaub, or zabetaneh of that year, and to fix the rates in the pottah accordingly. Pottahs were in consequence issued by the rajah's aumeens, comprehending the above specifications, but not so generally or accurately as fully or effectually to accomplish the object of their deputation; and in the rates inserted in these pottahs, they likewise omitted to make allowance for the difference between the old and new measuring-rods and begahs.

Instructions for carrying these provisions into execution.

See Cl. 3, Sec. ii. Reg. LI. 1795.

(1779-80.)

V. The begah of three dirrahs ilahee, thus established, consists of twenty poles, each measuring eight feet and four inches and eight-tenths of an inch; the whole length being one hundred and sixty-eight feet, giving a surface or area of twenty-eight thousand two hundred and twenty-four square feet, or three-thousand one hundred and thirty-six square yards; and the biswah, or twentieth part of this begah, of one hundred and fifty-six square yards and eight-tenths of a yard. On its appearing that several of the aumils and canongoes understood that the kesraut, or difference in the length between the former and present measuring-rod, was to affect the assessment on all kinds of cultivation, the resident issued an explanatory notification, on the 12th of May, 1789, to the following effect, viz. In the places where the null or rod of 1187 was less than the general standard rod established for that year, such difference was to be taken and calculated per begah on the jummaee or kowlee, i. e. nukdy land, and also upon that known under the denomination of rye kunkooty, or land the produce of which is calculated at a fixed or usual quantity per begah, and the revenues rated thereon accordingly. Thus, where the rye kunkooty had been three maunds, or four maunds, or taken at any other specific estimate per begah, according to the rye or rate of 1187, upon the ryot's cultivation in general, either on each distinct kind of produce, or upon a medium of the first, second, or third kinds of produce; in such cases, on the principle prescribed with respect to the nukdy, the difference of the rod was to be taken in all instances, where actual mensuration by the new rod of three dirrah ilahee

Extent and dimensions of a begah of ground, according to the authorized measurement of three dirrahs ilahee.

(1779-80.)

In what cases the kesraut, or difference between the old and new nuls, is to be taken into account.

should at the desire of either party be resorted to, for ascertaining the whole extent of ground in cultivation. But, on the contrary, where the aumeen of the aumil, in the mode termed kunkoot, should proceed with the gowro, or estimator, and the gomastah of the canongoe, and these two last-mentioned officers, with the consent of both parties, should estimate the produce of the crop on an inspection of it without measurement, the taking the difference of the rod was neither necessary nor proper, the whole produce being estimated without reference to the extent of the begah. All parties were required to attend to the letter and spirit of these prescriptions; and in conformity thereto it was further signified to them, that where the crops were estimated in the mode termed danabundy kunkooty, that is, where the revenue is assessed according to the gross produce without a measurement of the ground, the kesraut, or difference between the old and newly-established rods was not to be taken, as in these instances the revenue payable to Government was not calculated on the extent of the ground, but on the gross quantity of the produce. It having appeared also that in the old nuls or lettas (measuring-rods or ropes) the ryots had been defrauded by the aumils unduly shortening them, by subtracting from their length the mour or loops at each end, it was ordered that, in ascertaining the difference between those new and old nuls or lettas, the full length of the old ones should be allowed in favour of those who pay the revenue, inclusive of the mour or loops.

Rule as to the mour or loops.

Settlement of 1196, Fussily.

VI. The rules passed on the 25th June, 1788 (as contained in Section III.), were approved by the Governor-General in Council, on the 3rd of October of the same year, as preparatory to the establishment of a more regular system of assessing and collecting the revenue. With a view to the introduction of this system, the resident was at the same time authorized to take upon himself the entire formation of the settlement for 1196. This settlement was accordingly made principally on the (1788-9.) grounds of the reports of the canongoes, and their estimates of the actual produce from the assul and abwaub, as the same stood in 1187, Fussily (1779-80.) (the rates of which year were declared to be the standard according to which the payments of the ryots were to be regulated in future), and the same accounts for 1195, or the latest assessment. These accounts, exhibiting (1787-8.) the assets of those two years, were compared with the douls or estimates of the assets of the then current year 1196, as delivered in by the canongoes. From these douls, the dehyek, or allowance of ten per cent. to the aumil as his profits, and the charges of mofussil management, the several articles of deduction and remission coming under the heads of maafy and mujray, the amount of the nankar or allowances of the canongoes in the lands assigned to them in each pergunnah, and the half of the former bhuray (i. e. the moiety thereof allowed to the aumils for charges of remittance), being severally deducted, the residue of the gross assets, as contained in the doul or estimate of the canongoes, constituted the sum to be paid by the aumil to Government.

Settlement of 1196, Fussily.

How fixed, and the constituent articles of it.

Abolition of the Government's moiety of the bhuray, and of the articles of nuzeranah and russoom khazanah, &c.

VII. The other moiety of the bhuray mentioned in the preceding section (which had previously been collected on behalf of Government), together with the article of nuzeranah and russoom khazanah, &c., were abolished in the course of the arrangement of the settlement of this year,

together with the farm of the manufacture of the earth called sujee, which had before been let on lease by the rajah's officers.

as also the sujee mehal.

VIII. *First.* A new form of caboolcat was at the same time ordered to be taken from all the aumils, in which the doul of the canongoes, and the deductions made therefrom on account of lands exempted from the payment of revenue, and the form of the new pottah for the ryots, were inserted. The aumils bound themselves to perform and abide by the several stipulations and prescriptions therein contained, as fundamental conditions of the settlement. They likewise engaged not to demand from (1779-80.) the ryots any abwaub established since 1187: nor any abwaub for the canongoe's allowances, or the banker's half of the bhuray, the latter article consisting, as specified in Section VI., of an allowance to the aumil to pay the charges of the banker through whom he made his remittances to the treasury. Both of these articles, viz. the cess hitherto levied from the ryots for the canongoe's allowances, and the half bhuray in question (the other moiety of the latter of which articles was relinquished by Government as specified in Section VII.) were abolished and struck out of the settlement. It was at the same time provided, that the canongoes should be paid by Government from the collections, whilst the amount of the banker's portion of the bhuray was granted as a deduction to the aumil, from the tushkhees or funds stated in the doul or estimate of the canongoes, on which the agreement of the aumil with Government was founded. On these principles, a general settlement of the zemindarry was made on leases partly for one, and partly for five years, in the proportion of nearly one-third for the former and of two-thirds for the latter term.

Engagements of the Aumils for 1196, Fussily, founded on the preceding rules and principles;

and settlement thereon made for the term of five and one year.

Second. On the 12th of February, 1789, a rule was published for determining the hukul tehseel, or commission on the collections made by farmers of villages relinquishing their engagements before the close of the year. This rule directed, that if the jumma payable by any such farmer to Government did not exceed five thousand rupees per annum, he should not be entitled to or receive any such commission, but be held accountable to his successor for the full amount which he had realized, or where he was not succeeded by any new farmer to the aumil; but that in the event of the annual jumma of such farmer exceeding five thousand rupees, he should be allowed a commission of five per cent. by the aumil out of his own dehyck (or the commission of ten per cent. on the amount which he contracted to pay to Government), so as, in either case, to prevent the ryots from suffering by the change of village farmers, whose repeated intermediate commissions had often been levied from them by way of cess above their appointed fotch or rent, under the former native administrations in the zemindarry.

Rule regarding hukul tehseel, in case of change of farmers in the course of the year.

IX. *First.* For the guidance of the aumils in forming their mofussil settlements (which took place from the beginning of the Fussily year (Sept. 1788.) 1196), the following orders were issued on the 14th of June, 1789, respecting the interior arrangements to be adopted from the commencement of the second year of the term of the leases for five years.

Subsidiary rules for the mofussil settlements.

Second. That the villages and lands should be let by the aumils to the zemindars, or hereditary landholders, and not to mere farmers (excepting where no hereditary landholders remained), on the douls or estimates of

Reinstatement of the village zemindars.

the revenue assets in each person's share in the lands let on a five years' lease, for the remaining four years thereof; but that, where the hereditary zemindars refused to engage and give security for the payment of the amount of the canongoe's doul, their lands should be rented for the same term to farmers, and that the pottahs to be given according to the prescribed form should contain the full amount to be paid on all accounts to the aumils, without any reservation of a separate nuzeranah, or other demand.

Rule prohibiting the re-admission of dispossessed aymadars.

Third. During the administration of the Nawaub Vizier, a sequestration was made of sundry ayma villages, several of the proprietors of which had obtained money assignments, and pensions in lieu thereof, one of which pensions also was afterwards resumed during his excellency's government. In consideration of the long period which had elapsed since the dispossession of these aymadars, it was declared that if any of them should prefer claims to be restored to the lands which they before occupied, under their former grants, such claims would not be attended to or admitted.

Reasons for concluding a permanent settlement.

X. The settlement, as made in 1196, for the periods of one year and for five years, was approved of by the Governor-General in Council, on the 17th of June, 1789. The resident was, at the same time, directed to endeavour to introduce into Benares the system proposed for the permanent settlement of the province of Behar, having for its object the ascertaining and limiting the demand of Government, and securing to its subjects, in perpetuity, the quiet enjoyment of the fruits of their industry. The arrangements which had been adopted in Benares were obviously inadequate for that purpose. The amount of the revenue realizable by the aumils from the ryots and under-farmers varied agreeably to the extent of the actual cultivation, and accordingly, the produce of the lands not being ascertainable until the rebby or second crop had ripened, the aumils collected in the mean time from their under-renters (whether village zemindars or farmers) on account, until the arrival of the season for forming an estimate of the produce of the whole year, when the zemindars or farmers entered into cabooleats for the year. This mode of collection was productive of many disputes. When it appeared to the aumil that his under-farmers were unwilling to pay to him an adequate consideration for their farms, he of course became desirous of dispossessing them, and of either letting the farms to others, or of collecting the rents himself immediately from the ryots. This system tended to discourage agriculture, at the same time that it operated as a source of constant altercation between the aumils and the various competitors for village tenures, and consequently rendered it desirable to conclude separate mofussil settlements, formed under the sanction of Government, for each talooka and mozah, or village, throughout the country, paying revenue to Government. (1788-9.)

Source of dispute between the aumils and village renters, under the former system.

Plan for forming the quartennial and decennial mofussil assessment.

XI. On the receipt of the orders of the Governor-General in Council of the 17th of June, 1789, the resident issued instructions to the aumils and canongoes to proceed in the mofussil settlement; declaring it, however, subject to his revision and confirmation, as he had determined when the rebby, or second crop, should have been sown, to form an estimate of the revenue funds in each village, payable by the zemindars and farmers

respectively, and to fix it for the four unexpired years of the five years' leases of the aumils, wherever those leases extended. This revision was appointed to take place in each pergunnah, in order that after the mofussil (1789-90.) settlements for four years, beginning from 1197, should have been approved, it might be declared permanent for the same term as the settlement to be made for the period of ten years, throughout that portion of the district which was let on only an annual lease. This last part of the arrangement was to be executed more immediately under the personal inspection of the resident, on nearly the same general principles as had been prescribed by Government for the settlement of the province of Behar. On these preparatory measures being communicated to the Governor-General in Council, it was resolved that a settlement of the zemindarry of Benares should be formed for a period of ten years, agreeably to his resolutions of the 20th May and 18th of September, 1789, regarding the settlement of the province of Behar.

See Sec. viii. Reg. XXVII. 1795.

Respecting village zemindars dispossessed previous to the Fussily year 1182 (A.D. 1775).

XII. A material deviation, however, was unavoidably made from these resolutions; for Rajah Mahipnarain at that time declining (although he subsequently acquiesced in the measure, as specified in Regulation I. 1795) to consent to the restoration of the numerous class of village zemindars, who had been dispossessed and reduced to the situation of cultivating ryots, during the administrations of the Rajahs Bulwunt Sing and Cheyte Sing, it became necessary to exclude from the benefit of the rights to be conferred by this decennial settlement, all those landholders who had been so dispossessed and reduced before the 1st of July, 1775 (1182 Fussily), the date of the final transfer of the sovereignty of Benares to the Company.

Rules for forming the permanent settlement.

XIII. For the purpose of forming this permanent settlement, the resident and his assistants proceeded, in November, in 1789, on different circuits throughout the four sircars composing the zemindarry of Benares; their object being, in respect to the quartennial mofussil settlements, to examine and revise the assessment, as proposed by the aumils and canon- (1779-80.) goes on the ground of the assul and abwaub up to the year 1187, and to correct such errors as should appear to have been made, either in the exclusion of persons entitled to be considered as zemindars (consistently with the rule of exclusion specified in Section XII.), or in the allotment of the jumma, in the constituent parts of the total of the assessment of each district. This allotment was to be regulated (as well in regard to the quartennial as the decennial settlements), as nearly as might be ascertainable, according to the ability of the respective villages or puttees (or shares or subdivisions of villages), so as to admit of the zemindars and farmers realizing the revenue assessed in conformity to the revenue rates of 1187; and where a large proportion of the land remained waste and uncultivated, a gradual and moderate russud or increase, for the few first years of the term of the general leases, was to be assessed, in consideration of the right of Government to some share in the advantages accruing to the renter, by bringing the land into cultivation. It was farther provided, that the article of spirituous liquors, and the tax upon shopkeepers, dealers, and weavers, comprehended under the denominations of abkarry, ghur dewary, and khergui, should be separated from the collections of

Russuds.

Articles of abkarry and ghur dewary, and khergui, left amauny, and reserved to the future disposal of Government.

the renters, and realized by the aumils of the respective districts, as far as those articles separately existed, but without attempting to extend them.

How the deeds for the settlement were issued and authenticated.

XIV. *First.* In the manner above described, and with the assistance of the accounts of the tushkhees for the preceding ten years, and such other accounts and local information as could be obtained through the canongoes or otherwise, the mofussil settlements for four and ten years were concluded. The pottahs for the settlements for four years were issued under the seals of the aumils, and numbered and countersigned in English by the resident or his assistants; and those for the settlements for ten years were authenticated by the signatures of the rajah and the resident.

Engagements of the malguzars on the conclusion of the permanent settlement.

The caboolcats or engagements entered into by the village zemindars and farmers on the formation of the permanent settlement bound them to an observance of the following articles:

Lands and property liable to be sold for balances.

Second. To pay the stipulated annual revenue punctually from the month of Koar (October) to Jeyte (June) in each year; and agreeing, in case of failure, that their property, real and personal, should be sold to make good the deficiency.

Rule respecting lakheraj lands, or lands held exempt from the payment of revenue.

Third. Not to attach, without the sanction of Government, any maafy, mujray, kishnarpun, or other description of lakheraj land in the possession of individuals, and held by them exempt from the payment of revenue, up to the end of the Fussily year 1195; and agreeing, in the event of Government's resuming any part of such exempted lands, to pay the revenue assessable thereon, in addition to the jumma fixed by their engagements; and stipulating not to make any new grants of exempted lands, on pain of such lands being confiscated to Government, and of double the revenue assessable thereon being levied from the grantee or grantees, for the period during which such grantee or grantees should have continued in possession. (Sept. 1788.)

General rule for the collections.

Fourth. To collect from the ryots according to the hookumnamas or Regulations of the 25th of June and of 1st of July, 1788, referred to in Sections III. and IV.

Receipts.

Fifth. To grant receipts to the ryots for their payments, under the penalty of a fine of double the amount, to be awarded to any ryot who should prove that he had been refused such receipt.

Registry of the canongoes.

Sixth. To support the canongoes in the full exercise of their functions.

Prohibition as to the sayrjehaut, and the house-tax, and that on spirituous liquors.

Seventh. Not to levy or receive any of the articles of the abolished sayrjehaut, nor any sum on account of khaneh shoomary (another term for the ghur dewary or house-tax), or abkarry or distilleries, the collection of the two last-mentioned articles (as specified in Section XIII.) having been separated from the general settlement, and committed on behalf of Government to the aumils. The penalty for breach of this article was fixed at three times the amount that might be illicitly collected.

Responsibility in respect to thefts and robberies and to breaches of the peace.

Eighth. To be responsible, subordinately to the aumil, for the maintenance of the peace, and for apprehending all disturbers thereof, in and throughout their respective estates and farms; not to harbour thieves or robbers, but to secure their persons and deliver them up for trial, as well as to recover, or in failure thereof, to be answerable for, and to make good the value of all property robbed or stolen within their respective limits.

Broils, affrays, and murders.

Ninth. To send in for trial, accompanied by an attested report of the

circumstances of the case, all parties concerned in broils, affrays, murders, or other breaches of the peace.

Tenth. To obey all summonses or orders issued on the part of Government, on pain of incurring forfeiture of property, as for rebellion.

To obey summonses.

XV. *First.* On the conclusion of this permanent settlement, new engagements were also entered into with the aumils. By these engagements their office was declared to be that of hakim or magistrate, and tehseeldar, or collector of the revenue ascertained by the pottahs issued to the village zemindars and farmers to be payable from their several aumildarries; and they rendered themselves responsible for the regular realizing the amount of this revenue, and bound themselves to abstain from levying any excess on their own account, to enforce the several stipulations with the landholders and farmers as set forth in Section XIV., and to cause the village zemindars to issue pottahs to their ryots in conformity to the Regulation of the 25th of June, 1788. They were also vested with a discretionary authority to diminish, or to admit to be lowered, the revenue (1779-80.) rates of 1187, Fussily, where the exaction of them might be found, under the actual circumstances of any part of the district, to operate to the oppression or distress of the present cultivators; but they were at the same time prohibited from enhancing the rates of the said year 1187, under any pretence whatsoever. They were further required to grant receipts for all payments of revenue made to them, on pain of being subject for refusal or omission to such fine as the resident should think it proper to impose; to regulate the rates of tullubana leviable on parties in arrear, by the custom of the pergunnah, and to account for and pay the sum realized under this head to Government; and to refrain from the collection of any part of the sayer or gunge tolls or duties, under the same penalty for disobedience as the village zemindars and farmers are declared liable to in similar cases, as specified in Clause Seventh, Section XIV. They were also declared personally responsible to Government in the first instance, in regard to the maintenance of the peace, and thefts and robberies committed within their respective aumildarries, under the rules prescribed in similar cases with respect to the zemindars and farmers in Clause Eighth, Section XIV.; with a right, however, to have recourse, for their own indemnification, to the landholder or farmer within whose limits the theft or robbery might occur.

Authority of the aumil as tehseeldar or collector, and hakim or magistrate.

His responsibility in respect to the collection of the revenue assessed according to the settlement, and not making further collections.

To carry into execution the stipulations with the village zemindars and farmers, and to cause pottahs to be issued to the ryots.

Revenue rates of 1187 may be lowered but not enhanced.

Receipts.

Tullubana.

Abolished sayer and gunge duties.

Responsibility in regard to theft and robberies, and breaches of the peace.

Second. In their capacities of hakims or magistrates, the aumils were instructed to apprehend and send in for trial, accompanied by the necessary information and evidence, all persons committing breaches of the peace; and in concert with the canongoes, to inquire into and to decide (subject to an appeal to the resident, should either of the parties desire it) according to the principles of the Regulations of the 25th of June, 1788, all complaints preferred to them regarding differences occurring between the zemindars, farmers, and ryots, relative to the malguzarry or revenue, with authority to refer, with the consent of the parties, other causes of a civil nature, respecting caste, marriage, shares in land, and debts, to be determined by arbitration; or where both parties should not consent to this mode of adjustment, to desire them to repair to and institute their suits in the Moolky Dewanny Adawlut, or Provincial Civil Court established at Benares, to all orders and decrees issued from which, or from

To apprehend disturbers of the peace.

any other court of justice, or from the rajah or the resident, the aumils were required and agreed, on pain of dismission, to yield the most prompt obedience.

Rule in respect to lands conveyed to aumils in liquidation of balances.

Third. It having afterwards appeared, that in several instances the aumils had clandestinely availed themselves of their authority to procure deeds of conveyance, in their own names or those of their relations, for lands the property of persons in arrears on account of the revenue, and whose balances had been thereby either wholly or partially liquidated, a rule was published, on the 19th of September, 1794, prohibiting and declaring null and void all such conveyances that might be made in future; and on the 31st of October following, a further rule was passed, giving to all persons who might have thus disposed of their lands, or to their heirs or putteedars, the option of suing for the recovery of them in a court of justice, at any time within five years from the date of such conveyances; and the parties so prosecuting were declared entitled to have the conveyances annulled, and to regain possession of the property, on repaying to the purchasing aumil or his heirs the purchase-money, with simple interest.

Rules for the confirmation and establishment of the rights of the zemindars and other landholders.

XVI. *First.* The adjustment of the disputed claims to lands formed one of the principal difficulties which occurred in the progress of the settlement. In many instances, contests existed between the putteedars or sharers in the same village, as to their respective proportions, or between claimants of different families to the same villages. In all these cases, it was observed as a general rule to confirm or admit those zemindars, who were either in the actual occupancy, or who had at any time been known to have had possession since the final transfer of Benares to the Company in 1775 (the zemindars dispossessed before which period, the Governor-General in Council, on the 11th April, 1788, determined should not be restored in compliance with the objections which the rajah then entertained to their restoration, but which he subsequently relinquished, as stated in Section XII.); leaving those who might think themselves entitled to reinstatement under this rule, to seek redress in the Moolky Adawlut. But as it became necessary, during the progress of the settlement, to pass orders in a summary way on disputes of this nature, it was explained to all parties, that the new pottahs were meant only to fix the rental, and in no-wise to constitute a bar to the recovery of any proprietary right in land, for which suits might be instituted in the court of justice above mentioned in the same manner as if no such pottahs had been granted. Instructions to this effect were issued to the judge of the court, and separate engagements were taken from all the present pottah-holders, whether zemindars or farmers, binding them to a ready attendance on, and submissson to, the judicial authority of the said court and the Court of Appeal, in respect to all such causes; and the aumils were prohibited from making alterations in the pottahs, excepting in conformity to judgments passed in both or either of those courts. The settlement thus concluded, consisting of engagements with zemindars for about eight-twelfths of the whole country, of leases to farmers for about three-twelfths, whilst the remaining twelfth continued amauny, in consequence of there being found for the places included in the last-mentioned portion, neither zemindars nor farmers, so that the aumils collected the public dues immediately from the ryots.

In what proportion the settlement was concluded with zemindars and farmers.

Second. Pursuant to the principles prescribed for this quartennial and decennial settlement, sundry village farmers having been removed during the progress of it by the reinstatement of the rightful zemindars, a rule was published, on the 21st of February, 1790, for adjusting the accounts of the wassilaut or current year's collections between such parties. By this rule, the displaced farmers were entitled to credit for the amount of whatever tuccavy (money for the purchase of seed) they might establish to have advanced to the ryots, together with a commission of three per cent. (whatever might be the extent of the farm) on the amount of the revenue realized. The amount of this charge was to be borne altogether by the reinstated zemindar, without his being entitled to make any demand on that account from his ryots, who were only to repay to him the amount of the tuccavy that had been really advanced to them by the removed farmer. But such farmer was not to be allowed credit for the amount of any bonds or engagements executed by ryots for sums stated to be advanced for tuccavy, but which should in reality have been taken from them for the balances of former years, which were thence virtually declared irrecoverable.

Rule for the adjustment of accounts between zemindars recovering possession from farmers.

XVII. *First.* The landholders in the zemindarry of Benares consist for the most part of village zemindars, paying the revenue of their lands to Government jointly with one or more putteedars, or partners descended from the same common stock. Some of these putteedars have had their interior puttees or shares rendered distinct; whilst those of the major part still continue annexed to, and blended or in common with, the share or shares of the principal of the family, or of the head men amongst the brethren, being either one or more, whose names have been usually inserted in the pottahs, cabooleats, and other engagements for the public revenue. With the general consent of the inferior putteedars, this mode was adhered to in the aforesaid settlement, leaving an option to such putteedars as might then or afterwards think themselves aggrieved, or be desirous of separating from their brethren, to prosecute for that purpose in the Adawlut. By this mode of procedure, they may obtain a separation of their family share of the estate, and procure a separate pottah, subject to the payment of a proportionate part of the jumma assessed on the joint estate; but, in the mean time, those of the brethren whose names stand inserted in the Government's pottah, are held and considered to be immediately responsible, through the aumils, to Government for the whole of that jumma. The only exception of this general rule exists in the pergunnah of Kurendeh, where the decennial settlement could only be concluded by a considerable number of these zemindars being admitted to enter into cabooleats, in which they themselves agreed to the nomination of certain persons to act on their joint parts, under the description of serberakers, or managers. This expedient was acquiesced in, under the condition that the responsibility of the zemindars should remain undiminished, and that they might, whenever they pleased, dismiss these agents, after adjusting accounts with, and satisfying them as to any balance that might be justly due to them.

Description of a zemindarry under the permanent settlement, and of the joint putteedarry tenures therein comprehended, with the differences in respect to the latter, as being either distinct, or remaining annexed and blended, or in common.

Serberakers, or managers, in the pergunnah of Kurendeh.

Second. There are also many talookdarries within the four sircars composing the zemindarry of Benares, which have depending on them a greater or less number of village zemindars, many of whom still retain the right of disposing by sale of their own estates, subject, of course, to the

Talookdarry tenures in Benares.

payment of the usual jumma to the talookdar, and to the conditions specified in Clause Ninth, Section XXXV. Regulation XXII. 1795. The settlement of Government has been concluded (on the same principles as are prescribed respecting the zemindarries) with these talookdars, who are left to assess their village zemindars, either in proportion to their own sudder jumma, with some addition for charges of management, or according to the extent and value of the produce, as local custom or the good-will of the parties may direct.

Particular circumstances of the pergunnah of Burhur Agowrie;

Third. The circumstances of the pergunnah of Agowrie Burhur, in the sircar of Chunar, constitute in some degree a deviation from the rule observed in the general settlement. This pergunnah appertained to its separate rajahs, until they were expelled by Rajah Bulwunt Sing. Their descendants appearing, and having performed some public services in 1781, Government ordered that Rajah Adil Sah, their then representative, should be restored. This order appearing afterwards to be repugnant to the principle of the general settlement concluded with the Rajah Mahipnarain Sing, the tenure of the family of Adil Sah was, by an order of Government under date the 11th of April, 1788, limited to the period of his natural life, during which the interior settlement of the pergunnah was, with his consent, and under his seal and the resident's signature, made with the talookdars and zemindars, most of whom were of his own blood and lineage; or with the birteeas, being the persons on whom his ancestors had conferred grants of lands; or with gherrooas, being such persons as he or his ancestors had put in possession of lands on mortgage. These several descriptions of landholders are considered as having a permanent interest in their tenures, which have therefore been included in the general account of the settlements concluded with zemindars. The remainder of the pergunnah has been let to farmers, on the conditions common to the rest of the four sircars. Rajah Adil Sah subsequently dying, Government, with the acquiescence of Rajah Mahipnarain, permitted his heirs to succeed him in the pergunnah, in the permanent settlement of which, however, they are restricted from making any alterations or innovations equally with the other aumils or tehseeldars.

and of the pergunnah of Beleeah in the sircar of Ghazeepoor;

Fourth. The pergunnah of Beleeah, in the sircar of Ghazeepoor, is similarly circumstanced as to the expulsion of its rajahs by Rajah Bulwunt Sing, and the intended restoration of Bhowayel Deo, their present representative. But his reinstatement having never taken place, he is allowed to live in the pergunnah, on a pension which he receives from Government; and the settlement has been made with such of his family, and of those Rajahs of Beleeah who preceded it, as could make out pretensions to permanent tenures or estates; and where such pretensions could not be established, or were not preferred, the settlement has taken place with the mokuddums, or those of the principal ryots who had long paid the revenue of their present tenures, being the villages of which they are inhabitants; it being meant that these mokuddumy tenures should be considered equally permanent, and be liable to the same conditions as those of the zemindars, and where neither of these descriptions of persons could be found, the villages were let to farmers, excepting such part of them as for want of farmers remained amauny.

and of the talooka of Mujehwa in the per-

Fifth. The zemindarry part of the talooka of Mujehwa, in the pergunnah of Kuswar and sircar of Benares, has been let out in separate por-

tions, under the seal of Phelwaun Sing (the principal talookdar, and who was acting at the same time as aumil and collector on the part of Government), and the confirmatory signature of the resident or of his assistant, to Phelwaun Sing himself and his relations; he being subject to the same restrictions, with regard to making alterations in the settlement without the sanction of Government, as are imposed on the heirs of Rajah Adil Sah, in the pergunnah of Burhur Agowrie, as specified in Clause Third.

gunnah of Kuswa or Gungapoor;

Sixth. In the settlement of Kernadanry, in the pergunnah of Kuswar or Gungapoor, there is this peculiarity, that after the conclusion of it, Rajah Mahipnarain objecting to pottahs being granted by the resident to the parties with whom it was made, on the ground that the talooka in question formed part of his family zemindarry of Gungapoor, it was in consequence settled between the rajah and the resident, in October, 1794, that although, in consideration of the rajah's objections, the malguzars of this talooka of Kernadanry should not receive pottahs from Government in exchange for the cabooleats they had entered into, the rajah (who is their tehseeldar or collector) should not dispossess any of them without the sanction of the officers of Government, and in the event of complaints for exaction, that the case should be open to the same mode of inquiry as is established for similar complaints arising in the malguzzary lands in general, so as to continue the above-mentioned talooka, in this respect, distinct from the neej or family zemindarry lands of the rajah. These family lands consist of the jaghires of Budhoee and of Kera Mungrore, and of the rajah's part of the pergunnah of Kuswar or Gungapoor, inclusive of the talooka of Kerowna; and in consequence of objections offered by the rajah, no mofussil or interior settlement has been made in them by the authority of Government, and the administration of justice in all matters relating to their revenue is specially provided for in Regulation XV. 1795.

and of the talooka of Kernadanry in the same pergunnah.

Modified by Sec. ii. Reg. VII. 1828.

Seventh. The pergunnah of Lucknesr, in the sircar of Ghazeepoor, is inhabited by a race of Raujepoots distinguished by the appellation of Singhers, who pay a moderate fixed revenue (which they assess amongst themselves) to the tehseeldar, or native collector, stationed with them on the part of Government, whose allowances they separately defray; and as neither the native nor the British Government had interfered with the interior assessment of this pergunnah, it was not included in the general arrangements that took place at the period of the quartennial and decennial settlements.

As to the pergunnah of Lucknesr.

Eighth. In the pergunnah of Juanpoor Proper, and in that division of this sircar called the Buksheeat, there are a certain number of villages held by Mahomedans, in virtue of altumgha, muddudmaush, or jaghire grants, from the Emperor or from the soubahdars of Oude, but on which a peishcush by way of quit-rent was established during the administration of the native government. These peishcushy tenures were continued at the period of the permanent settlement.

Peishcushy villages in the sircar of Juanpoor.

Ninth. That part of the tract of country called Singrowlee, situated to the southward of the Soane river, which extends as far as the Belea rivulet, is tributary to the zemindarry of Benares, whilst the tract of the same district that lies beyond the Belea pays tribute to the independent Rajah of Burdee.

Singrowlee.

XVIII. The districts in the sircar of Juanpoor, in which salt is pro-

Salt farms.

duced and manufactured, were let in farm, either inclusive of the land revenue or separately.

Provision made for the pottahdars becoming huzoory, in case of oppression on the part of the aumil.

XIX. In consideration of the habits prevalent amongst the newly-restored body of zemindars on their first reinstatement, it was thought advisable to continue them, at least for a period, under the superintendency of the aumil of Government, both in respect to the police and the payment of the revenue. But at the same time, to provide against exactions being made from them by the aumils, it was, in addition to the penalty specified in Section II., declared a rule, that all persons holding pottahs of Government who might prove any oppression against their respective aumils, should thereupon have the option of becoming huzoory, that is, to pay their own revenue directly to the public treasury, without the intervention in any shape of the agency of the aumil.

Government's confirmation of the settlement for the period of the lives of the pottahholders, and abolishing of the tax on weavers.

XX. The settlement thus concluded was confirmed by Government, and extended to the lives of all the pottahdars, by an order of the Governor-General in Council under date the 11th of February, 1791, with the exception of the part of the ghur dewarry tax, described in Section XIII. levied from the weavers under the denomination of khergui, which was abolished.

Qualifications in respect to the rule for disallowing of agore-betay.

XXI. The enforcement of the prohibition in Section II. against agore-betay having met with some opposition from certain brahmins and atteets, the Government's share of whose crops had always been ascertained in that mode, and who declared their intention of committing violence on themselves if it was not adhered to with regard to them, the resident, on the 17th of January, 1789, issued a publication disapproving of the conduct of these brahmins and atteets, and apprizing them that the Regulations would be enforced. But the practice of agore-betay having prevailed only in a small portion of the country, and consequently there being little probability of many similar instances of opposition occurring, the resident thought it advisable to accompany this publication with an order to the aumils, authorizing and enjoining them not to insist on receiving a money rent from such of the above-mentioned brahmins and atteets as should so persevere in their objections, but to continue the practice of agore-betay with regard to them, until they should consent to the payment of a money rent as well as to the rate of the rent. This order was sanctioned by Government.

Resident's proceedings from the beginning of 1202, or 1794-5, towards restoring the defective parts of the permanent settlement.

XXII. The first period of the quartennial settlement having expired with the Fussily year 1200, several farmers and some of the landholders (1792-3.) not choosing to avail themselves of the privilege of retaining their leases during their lives, as granted to them by the order of Government of the 11th of February, 1791, the lands which they held consequently became amauny. The death of renters, the abuses occasionally practised by the aumils, and the over-assessment of some places, had occasioned vacancies in other tenures, during the several years that had elapsed since the conclusion of the general settlement. In consequence of instructions from Government, under date the 19th of September, 1794, the resident proceeded to re-adjust the settlement of the lands which had been included

in these leases, by restoring such of the renters as appeared to have been unduly dispossessed, by admitting the heirs of parties deceased, or reinstating the ancient zemindars, both in lands relinquished by farmers, or which had remained amauny in the hands of the aumils, and finally, by adopting means to improve the cultivation preparatory to issuing new permanent leases (which were accordingly granted) to the landholders and farmers in the pergunnahs of Nerwun, Dhoos, and Chownsa, the settlements made in which places in 1197 had in general failed, owing to the lands being too highly assessed, and to drought and other calamities of season. The settlement of Suktes Ghur also being in a similar predicament, was renewed by the resident in the month of October, 1792; and the experience of several years having evinced that some part of the pergunnah of Zemanea, in the sircar of Ghazeepoor, had been too highly assessed, adequate abatements were in consequence allowed.

(1789-90.)

New settlement made in the pergunnahs of Nerwun, Dhoos and Chownsa, and in the tuppeh of Suktes Ghur, and that of Zemanea corrected.

(Sept. 1794.) XXIII. In the beginning of the Fussily year 1202, a circular order under date the 1st of November, 1794, was issued to all the aumils, prohibiting them, under penalty of dismission from their aumildarries, from displacing or dispossessing any person holding a pottah from Government without the assent of the resident; and on the 20th of July, 1795, circular instructions were transmitted to the canongoes, enjoining them to report without delay the death of all such pottah-holders, that no lands might remain amauny under the aumils without the knowledge of Government.

Aumils prohibited from dispossessing the pottah-holders, and canongoes directed to report the names of all deceased persons of this class.

XXIV. In Section XIX. it has been stated, that it was an original regulation of the general settlement concluded in 1197, that proof of the aumil having made undue exactions from, or otherwise oppressed, any of the landholders or farmers holding pottahs and paying revenue to Government, should entitle such injured party or parties to become huzoory, i. e. to pay their revenue into the treasury at Benares instead of through the medium of the aumil. [*But for the more effectual protection and security of such pottah-holders, an option of thus becoming huzoory was given from the beginning of the Fussily year* 1202, *by a publication issued under date the* 3*rd of October*, 1794, *to all such pottah-holders as should previously enter into the required maal, fael, and hazir zaminee, or security for the punctual discharge of their revenue, for their peaceable deportment, and for their appearance whenever their attendance may be required. To enable them to procure these securities, they were allowed by the publication one moiety of the aumil's dehyek and bhuray on the amount of the revenue payable by them.*] This publication was sanctioned by the Governor-General in Council, under date the 19th of September, 1794; but from the operation of it were excepted the lands under the rajah and his family, comprehending not only the places specified in Clause Sixth, Section XVII., but those also of which he holds the aumildarry or collectorship, viz. the pergunnah of Ralhoopoor and the talooka of Jahloopoor, and those villages in the vicinity of Benares called the dehaat amanut. But in case of oppression proved, the pottahdars of these last-mentioned places, and of all other mohals under the rajah in which the settlement has been made by Government, are entitled, in virtue of the original rule contained in Section XIX. to become huzoory. The difference, therefore, between these aumildarry

(1789-90.)

Option of becoming huzoory, that is, of paying their revenue directly to Government, extended generally to all the land and leaseholders.

Rescinded by Sec. ii. Reg. VII. 1807.

(Sept. 1794.)

Encouragement held out to become huzoory.

Exception to this rule, in respect to the rajah's aumildarry districts.

mohals under the rajah and the rest of the country at large, consists in it not being merely optional with the pottahdars to separate from him under the publication above specified in this section. As to the administration of justice in these aumildarry mohals under the rajah, the jurisdiction of the Courts of Judicature extends over them in common with the country at large, and consequently they do not form a part of the rajah's neej or family lands, the administration of justice in which is provided for by Regulation XV. 1795.

Qualification of this exception.

Regulation relative to disputes between putteedars.

XXV. For determining questions concerning lands between putteedars or brethren, and partners, inheriting and being, or pretending to be, entitled to joint or distinct proportions of one zemindarry, it has been observed as a general rule since the conclusion of the permanent settlement, to consider as superior, and immediately responsible to Government, the person or persons amongst such putteedars, in whose name or names the Government's pottah has been made out, and to continue the other putteedars or partners in such situation as they shall have stood in since the Fussily year 1197, leaving them, if dissatisfied with such order, to (1789-90.) prosecute in the Adawlut for any further claims.

Practice in respect to the stipulations in Section xiv. for recovering balances by the sale of the lands of defaulting proprietors.

XXVI. The right of Government to dispose of landed property at public sale for the recovery of balances of revenue is established by the tenour of the engagements of the zemindars, as noticed in Clause Second, Section XIV.; but in consideration of the local usages in that respect in the province of Benares, no such sales have hitherto taken place.

Regulations in respect to the future periodical ascertainment of the value of the lands remaining amauny.

XXVII. At the period of the settlement concluded in 1197 Fussily, (1789-90.) the aumils pledged themselves in writing, and on the faith of their religion, to collect only according to the jumma specified in the pottahs issued to the talookdars and village zemindars and farmers, and to pay in the whole amount thereof to Government, after deducting the dehyek and half-bhuray. But there then were, and have since remained, several spots of ground and mozahs or villages, of which no fixed settlement having been made, the collection of the amount of the tushkhees or ascertained funds which the canongoes estimated to be realizable therefrom was entrusted to the aumils. These funds had, of course, varied during the period that had elapsed since the conclusion of the settlement; and several of the aumils, on the expiration of their five years' leases at the close of the year 1200, (Sept. 1793.) claimed and received deductions from Government for alleged deficiencies in the funds of those amauny villages; whilst, on the other hand, where the actual had exceeded the estimated receipts, it was presumable that the aumils or their officers had appropriated the surplus. From these considerations, and as the funds in the amauny or kham villages appertained altogether to Government (the aumils being entitled only to their dehyek and bhuray), the resident, on the 12th of January, 1795, published an order, that from the beginning of the Fussily year 1202, the (Sept. 1794. tushkhees of the amauny or kham or cutcha villages, in every pergunnah, was to be ascertained by aumeens, or other persons empowered for that purpose, on the part of Government, and that the amount of the funds, after deducting the dehyek and bhuray, was to be paid by the aumils to Government.

Aumeens deputed to

Aumeens were accordingly deputed on the above-mentioned date to

ascertain the state of these lands, with instructions to summon the put-warries of every village, and in the presence of the canongoes, and of the officers of the aumil, to ascertain the tushkhees or assessable amount on each village and spot then held amauny, in conformity to the rye or rates of (1779-80.) 1187; and afterwards to prepare and bring with them the state of the jummabundy of each village, under the attestations of the canongoes, and the signatures of the putwarries and the counter-signatures of the officers of the aumils, that the payments of the aumils to Government might be regulated accordingly. The aumeens were likewise instructed, that if, in the course of their inquiries, it should appear that any of the aumils had granted pottahs to their dependants in any of these amauny lands at lower rates than those of the pergunnah or division in which they might be situated, such pottahs so granted by them were to be declared null and void, the aumils not having been empowered to dispose of any part of the revenue (1789-90.) funds, but since the settlement in 1197 having been merely tehseeldaran-neshandar, or responsible collectors.

ascertain their present state.

Situation of the aumils as responsible tehseeldars or collectors.

XXVIII. Inconveniences having been experienced from the applications made to the resident for grants exempting from the payment of revenue spots of ground in the vicinity of the city of Benares, on their being purchased by the native princes of India, or by wealthy natives, to convert into gardens or places of religious worship, the Governor-General in Council determined, on the 28th July, 1794, that no such grants should be made by the resident without the sanction of Government.

Rule in respect to applications to obtain grants of spots of ground in the vicinity of Benares exempted from the payment of revenue for temples and gardens.

A.D. 1795. REGULATION III.

Reg. III. 1795.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules for the Collection of the Customs in the Province of Benares:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Rescinded by Section II. Regulation IX. 1810.]

A.D. 1795. REGULATION IV.

Reg. IV. 1795.

A REGULATION *for prohibiting the Collection of internal Duties in the Province of Benares:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. PREVIOUS to the cession of Benares to the Company, and until the year 1781, internal duties and tolls, in addition to the duties collected on

the import and export trade, were exacted throughout the province; and notwithstanding the orders passed in that year, that no duties should be collected but at the stations of Ghazeepore, Benares, and Mirzapore, and the repetition of those orders in 1784, the trade of the province continued to be burdened by a variety of interior tolls and exactions, levied partly at the custom-houses and partly by the aumils, and the zemindars and farmers under their authority, until the end of the Fussily year 1194, or September, 1787, subsequent to which period, in order to remove these obstructions to the trade of the province, the following rules and measures were adopted and established, which are hereby enacted into a Regulation.

Abolition of the rahdary, and other interior duties, collected by the zemindars and aumils.

II. In the settlement for the Fussily year 1195, it was stipulated with the aumils, by a clause in their cabooleats, that they should relinquish the collection of all tolls and duties on the transportation of grain, and other articles of the interior trade of the province, which they before collected with the land revenue, under the penalty of being subject to a fine equal to treble the amount of every sum so levied.

Order of Government for the general abolition of all zemindarry duties.

III. On the 26th December, 1787, the Governor-General in Council ordered that the zemindarry duties, and all other collections on merchandise excepting those authorized by Government, should be formally abolished, and penalties were prescribed for such persons as might be convicted of levying any exaction whatever on the property of the merchants, contrary to the spirit of this order.

Prohibition of all interior zemindarry, rahdary, and gunge duties, and penalty for the exaction of them.

IV. It was, in consequence, ordered by the thirteenth article of the custom-house regulations of the 29th March, 1788, and which were in force from the 1st April following, that no duties of any kind or denomination should be collected in any part of the country, excepting at the four principal custom-houses of Benares, Ghazeepore, Juanpore, and Mirzapore, nor upon the transportation of any goods produced or manufactured in one part of the country and sold or consumed in another (with the exception of the goods sold which might be afterwards exported), and that any person levying duties or exactions, under whatever denomination, on such goods, in opposition to this prohibition, should be liable to a fine equal to three times the amount received; and as an encouragement to persons so aggrieved to prefer their complaints to the judge of the nearest Court of Adawlut, who was bound to render them speedy and effectual justice, the whole of the fine was directed to be paid to the party from whom the exactions might be made.

Stipulation with the aumils for the relinquishment of the sayer collections.

V. The settlement for 1196 (commencing with September, 1788), having been formed on the canongoes' estimates of the mal and abwaub, or land revenue only, without including the sayer collections before levied by the aumils and landholders, which had been prohibited in the preceding year, a clause was inserted in the engagements of the aumils, reciting that all the sayerjehaut, or sayer collections, and the duties on the transportation of merchandise, having from the preceding year, 1195, Fussily, been prohibited by Government, they were neither themselves to levy, nor to allow any other person to levy, any of those articles of collection, under the penalty of paying a fine equal to treble the amount received; and

they were furnished with forms of cabooleats, containing clauses to a similar effect, to be taken by them from their under-renters, the village zemindars, and farmers.

Engagements of the zemindars and farmers to the same effect in 1197.

VI. On the conclusion of the permanent settlement with the zemindars and farmers of the talooks and villages in 1197, they entered into cabooleats or engagements, in which it was stipulated that as all the sayerjehaut, and rahdary duties and exactions, had been abolished from the Fussily year 1195, they were not to make any collections on these accounts, under the penalty of paying treble the amount exacted, in the same manner as had been stipulated with the aumils in the preceding years.

and of the aumils for the same year.

VII. At the conclusion of this permanent settlement, the aumils also (who were appointed to collect the land revenue payable according to the settlement) entered into a new engagement with Government, by which it was stipulated, that as all gunge, rahdary, and sayer collections, had been abolished from 1195, Fussily, they were not to collect, receive, or suffer to be collected or received, anything on these accounts, under the prescribed penalty of paying treble the amount so exacted.

Cases of undue exactions under the above heads cognizable in the adawluts.

VIII. The prohibitions contained in the preceding sections are to be strictly attended to, and the whole of the penalty recoverable on every breach of them is to be paid to the party from whom the illegal exactions may be made, on his proving them in a court of judicature.

Suits founded on these Regulations to be tried in preference to others.

IX. It being of importance that merchants and others, from whom any such illegal exactions may be made, should obtain the most speedy redress, the judges of the several courts are required to be at all times ready to receive and hear complaints of such exactions, in preference to all other suits, so that the party injured may experience the least possible delay in obtaining a decision.

Authority vested in the collector and darogahs of the custom-houses for repressing undue exactions.

X. As it may happen, that persons from whom such illegal exactions may occasionally be made by zemindars or others, may omit to prosecute the offender in a court of justice, and it being essential to the protection of the trade of the country that every means should be adopted for preventing such undue collections, the darogahs of each station are to be careful to transmit to the collector information of all unauthorized chowkies stationed for the collection of duties, that may at any time be attempted to be established by any zemindar, farmer, or other person or persons, for the collection of rahdary, or gunge, or other duties or exactions; and if the party thus offending shall not immediately withdraw and abolish the chowkey so established, as well as pay to the collector the amount that he or his people may have levied (which is to be restored to the party or parties from whom it may have been exacted), the collector is to cause a prosecution to be instituted against such zemindar, farmer, or other person so offending, both for the removal of the chowkey and for the recovery of the prescribed penalties.

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agreeably to the principles prescribed in Section VII. Regulation XXVII. 1795.

To collect the tax on spirituous liquors or intoxicationg drugs or articles, and of ghur dewary.

Tenth. To collect the tax on spirituous liquors and intoxicating drugs or articles, and the tax of ghur dewary or khanah shoomary, according to the separate regulation for that purpose.

To procure lands for native invalid soldiers.

Eleventh. To procure lands for the native invalid soldiers, who, on taking a discharge from the service, or otherwise, may accept of a provision in land. Superseded by Reg. II. 1811.

To perform the above and all other duties according to any regulations for his guidance printed and published in the manner prescribed in Reg. XLI. 1793.

Twelfth. To perform the above, and all other duties, according to the rules that have been, or may be prescribed to him, by any regulation published in the manner directed in Regulation XLI. 1793.

To furnish the required annual and other accounts.

Thirteenth. To transmit such annual, monthly, or other accounts, as were furnished by the late resident, or as may be hereafter required to be sent by the Board of Revenue, or any officer under that board empowered to require such accounts.

To conform to all special orders from the Board of Revenue or public officers.

Fourteenth. To conform to all special orders that may be issued to him by the Board of Revenue, or by public officers empowered to issue such orders.

To procure redress in cases of complaint from the malguzars and ryots of the rajah's jaghire, and his paternal zemindarry of Gungapoor.

VIII. On complaints being preferred by any of the malguzars and ryots of the rajah's family zemindarry of Gungapoor, and of his jaghires of Budhoee and Kera Mungrore, the collector is to cause redress to be afforded to the complainants, in the manner pointed out in the agreement concluded between the rajah and the resident on the 27th of October, 1794, as prescribed in Section III. Regulation XV. 1795; corresponding on such matters, when necessary, immediately with the Governor-General in Council. Modified by Sec. ii. Reg. VII. 1828.

IX. The serishtadar (*who is henceforward to be denominated the dewan*), and all native officers, [*&c. as in Section IX. Regulation II.* 1793].

X. [*Same as Section X. Regulation II.* 1793.]

Rules respecting the khezanchee.

XI. The khezanchee, or native cash-keeper at Benares, is to act under the orders of the collector, who is to report to the Board of Revenue all instances in which he may have cause of complaint against the khezanchee or his agents. The khezanchee is not to be removed from his office without the sanction of the Governor-General in Council.

XII. XIII. XIV. [*Same as Sections XII. XIII. and XIV. Regulation II.* 1793.]

XV. [*Same as Section XV. Regulation II.* 1793, *substituting* "province" *for* "zillah."]

XVI. XVII. [*Same as Sections XVI. and XVII. Regulation II.* 1793.]

XVIII. [*Same as Section XVIII. Regulation II.* 1793, *substituting* "the provinces of Benares, Bengal, Behar, or Orissa," *for* "the British dominions in Bengal."]

XIX. [Dewan prohibited from lending money.]—*Rescinded by Regulation XV.* 1813.

XX. XXI. and XXII. [*Same as Sections XX. XXII. and XXIII. Regulation II.* 1793.]

XXIII. The collector is to give monthly receipts, under the joint attestations of himself and of the rajah, for all payments of revenue into the treasury—[*the remainder as in Section XXV. Regulation II.* 1793.]

Rule with regard to receipts.

XXIV. [*Same as Section XXVI. Regulation II.* 1793, *omitting the words* "of their respective zillahs."]

XXV. [*Same as Section XXVII. Regulation II.* 1793.]

XXVI. [Collectors to be subordinate to Board of Revenue.]—*Rescinded by Section II. Regulation III.* 1822.

XXVII. The Board of Revenue are to be careful that the collector performs his assigned duties, for which purpose they are vested with the same powers over him as they possess over the collectors in the other three provinces, by Regulation II. 1793; and they may accordingly summon him to the presidency to explain and justify his conduct, or suspend him from his office, or fine him in the manner, and under the reservation set forth and provided in Clauses First, Second, Third, and Fourth, Section XXXI. of that Regulation.

Authority to be exercised by the Board of Revenue over the collector.

XXVIII. The collector may depute his assistant to make occasional local inquiries into the causes of balances or deficiencies in the revenue; but he is forthwith to advise the Board of Revenue of such deputations, and to conform to the instructions with which they may furnish him.

Collector may depute his assistant on local inquiries.

XXIX. The Board of Revenue are vested with the same authority, in respect to requiring the attendance of natives concerned in the revenues, as they are empowered to exercise in Bengal, Behar, and Orissa, by Section XXXIII. Regulation II. 1793, under the rules and restrictions therein specified.

Board of Revenue may require the personal attendance of landholders, &c.

XXX. [*Same as Section XXXVI. Regulation II.* 1793, *substituting* "amauny" *for* "khas."]

XXXI. In all cases of a settlement being made with, or on behalf of talookdars, zemindars, putteedars, or other actual proprietors of land, their lands are to be declared in their engagements to be responsible for the payment of the revenue; [*besides which, a malzamin, or surety, for the punctual discharge of the revenue is to be invariably required*].

Rescinded by Sec. ii. Reg. VII. 1807.

Security for the payment of the revenue to be demanded from zemindars as well as from farmers.

XXXII. [*Same as Section XXXIX. Regulation II.* 1793, *substituting* "amauny" *for* "khas."]

XXXIII. Upon a settlement being concluded with any proprietor or

Upon a settlement

being concluded, the usual pottah and cabooleat to be issued and received accordingly, under the rajah's seal and the collector's signature.

farmer, conformably to the Regulations, the collector is to receive from him the usual cabooleat, and to sign and deliver the pottah in conformity thereto, after it shall have been attested by the seal and signature of the rajah, in pursuance of the agreement to that effect concluded between the rajah and the resident, under date the 17th of October, 1794.

XXXIV. [*Same as Section XLIV. Regulation II.* 1793, *substituting* "Regulation VI. 1795," *for* "Regulation XIV."]

Cases of derea-shekeaty.

XXXV. In cases in which, since the conclusion of the settlement, the rivers may have carried away so much of the ground included in the engagements of any zemindar or farmer, as to disable him from paying the stipulated revenue, the collector, after minute inquiry, is to report the circumstances, and the amount of the deficiency thereby occasioned, to the Board of Revenue, through whom the orders of the Governor-General in Council will be issued to the collector, for affording such relief to the party or parties as may appear necessary.

XXXVI. [*Same as Section XLIV. Regulation II.* 1793.]

Reg. VI. 1795.

A.D. 1795. REGULATION VI.*

[Extension of Regulation XIV. 1793.]

A Regulation *prescribing the Process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands in the Province of Benares:* Passed *by the Governor-General in Council, on the 27th March,* 1795.

I. The following rules are prescribed for the guidance of the collector and the tehseeldars, in realizing the public revenue payable from the lands.

Rules for stationing shaenas on the crops.

II. The tehseeldars are to place shaenas, or watchmen, on the crops, at the expense of the parties to whom they may belong, and are not to allow them to be cut down or carried away, until the zemindar or farmer, in the mushuckhusy lands (lands for the payment of the revenue assessed on

* The provisions of this enactment are generally similar to those of Regulation XIV. 1793, but every section having some local modification, and many of the rules they contain not having been specifically rescinded, though in many instances superseded by later enactments, it appeared most advisable to print all but the sections actually rescinded, and to refer to later laws which more or less affect the procedure here directed. It must be observed that by Clause 2, Sec. ii. Reg. XI. 1822, all provisions of Regulations in force, which prescribe the issue of any process of demand on persons from whom arrears are due, or the attachment of lands before bringing them to sale, or which restrict the selection of lands for sale, or the period of sale, have been rescinded. Act I. 1845, enacted new and consolidated rules for the sale of lands for arrears of revenue, which greatly affect and modify the process directed to be observed in this Regulation.

which a settlement has been concluded), or the ryots in the lands held amauny, shall have given security for the revenue payable therefrom on account of the year. If such security shall be given before the ripening of the first crops, the tehseeldar is not to station watchmen over the crops, nor is any charge to be incurred on account of watchmen by the persons who may be responsible for the revenue due from the lands: but where such security is not tendered, watchmen are to be stationed, and an allowance, the amount of which is to be regulated by the local custom, is to be made to them, and included in the deh khurch, or village charges, of which the accounts are kept by the putwarries. To prevent all undue exactions under the head of shaenagee, or allowance to shaenas or watchmen, the tehseeldar is to furnish each watchman with a dustuck or writ, prescribing the duty he is to perform. On this dustuck the serishtadars (heretofore the canongoes) are to endorse the name of the watchman, the rate of allowance which according to established custom he is to receive, and from whom it is to be levied; and the serishtadars, at the end of every month, are to transmit, under their official signature, a list of all such shaena dustucks as they shall have thus attested during the course thereof, together with the rates of shaenagee thereby allowed. The collector is to revise these allowances, and may order them to be reduced, whenever they shall appear to him exorbitant.

When payment of the instalments is to be demanded.

III. The tehseeldars are not to issue a dustuck, or written demand for the payment of any kist or instalment, until it be due. Accordingly, in those places where by ancient custom the revenues are payable by two instalments in each month, viz. at the amawus, or middle, and the poornmaushy, or end of the month, he is not to issue a dustuck for such kists before the expiration of the day of payment; and where the revenues are payable by monthly instalments, he is not to issue a dustuck for the instalment of any month before the elapse of it. But when any person shall have failed to pay in his kist before, or on the date on which it may become due, the tehseeldar is to issue a dustuck, and to cause it to be served on the party in arrear, who, until he shall have discharged the amount, is to pay to the peon employed in serving the dustuck, for the first three days, one anna per day, which rate shall afterwards be increased half an anna per day until the kist be paid, or until the dustuck be withdrawn, as hereafter provided for. But the defaulter shall not be subject to any further charge for the khorack, or subsistence of the peon, or other account.

Rate of tullubana.

See note at beginning.

Tehseeldars prohibited employing muzcoory peons.

Regulations regarding peons entertained as monthly servants.

IV. Tehseeldars are strictly prohibited from employing muzcoory peons to serve the above-mentioned or any other dustucks. This duty shall be performed solely by peons entertained on monthly wages, and who shall have given security for their good conduct, and whose wages shall be paid by Government out of the tullubana or subsistence-money that may be levied from the persons on whom they may serve the dustucks. Every tehseeldar is to report to the collector the number and names of the peons thus entertained by him, as well as such occasional dismissions, vacancies, and appointments, as may occur in this part of his establishment; and the collector is to furnish the tehseeldars with a correspondent number of chupprasses or badges, which such peons are to wear, and without which

they are not to perform any official act. On each of these badges shall be inscribed in the Persian language, and in the Hindostanee language and Nageree character, "Chupprassy of the tehseeldar of ——— " (name of the mohaul or district under the charge of the tehseeldar in whose service the peon may be employed).

Serishtadars to attest all dustucks or written demands for the revenue, and to report the same to the collector; and to transmit an attested list thereof to the collector.

How the tullubana is to be appropriated.

V. Every dustuck issued by a tehseeldar for enforcing payment of a kist shall be attested by the serishtadars officiating in the tehseeldarry cutcherry, who, on the eighth of each succeeding month, are to transmit to the collector an attested list of all such dustucks as may have been thus issued: and the peons, on their return with their dustucks, shall account to the serishtadars for the tullubana collected by them in conformity to their dustucks, and after retaining one moiety of the amount for their own subsistence, shall pay the other half to the serishtadars, receiving from them regular receipts for the sums so paid. The peons are immediately to deliver these receipts into the dufter or office of the tehseeldar, who, on the twentieth of every succeeding month, is to forward an attested list of them to the collector. The collector is to cause the list to be examined and checked by the attested list of the dustucks issued, which he will have previously received from the serishtadars, and to have entered monthly in the moolky treasury accounts the neat realized amount of the reserved moiety of such tullubana, and to allow the serishtadars to apply the same towards the discharge of so much of their monthly wages as may be payable from that treasury.

See note at beginning.

Nature and extent of the responsibility of the tehseeldars.

VI. In consideration of the liberal rate of commission continued to the tehseeldars, they are to be considered as responsible to Government for the regular realizing of the annual amount of the jumma assessed on the mushukhusy lands within their respective tehseeldarries, the revenue of which is not paid huzoory, or immediately to the collector, as well as for the annually ascertained revenue funds of those lands that may remain amauny (which funds are to be ascertained in the manner prescribed in Section XXVII. Regulation II. 1795); such responsibility, on their parts, being considered as rendering them liable to make good to Government, from their own property, whatever deficiencies in the collection of the said ascertained funds may be proved to have arisen, either from their wilful neglect or inattention, or from direct embezzlement, to which purport engagements are to be taken from them by the collector. The tehseeldars are also declared liable to be removed from their offices by the collector, with the sanction of the Board of Revenue, and to be prosecuted on the ground of their said engagements, either during the course or at the end of the year.

Process to be observed by the collector in realizing the successive instalments as they fall due.

VII. The kists or instalments for each month receivable from the tehseeldars and the huzoory malguzars are to be paid between the first and the seventh of each succeeding month; and for all arrears not then paid, the collector, at his discretion, on a consideration of the credit and responsibility of the parties, is either to issue his dustuck, or to send only a written notice by letter, or a verbal intimation, through the vakeels of the parties (who are always to be in attendance at his cutcherry) to pay in their kists. But to those who shall not have paid the amount due

See note at beginning.

Office of dewan abolished by Reg. XV. 1813.

from them by the fourteenth of the month, the collector shall issue dustucks, under his seal and signature, *and countersigned by the dewan*, on the fifteenth of the month, and the peons serving such dustucks shall be directed to bring the party or parties to whom they are addressed, without delay, to the collector's cutcherry, and also from the date of their dustuck to levy tullubana for the first three days, at the rate of two annas per day, to be augmented at the rate of one anna per day until the kist be discharged, or until the dustuck be withdrawn, as hereafter provided for. Such dustucks, and all other summonses of the collector, are to be served by the badge peons on his establishment of public officers hired at monthly wages, who shall be allowed to retain one anna per day for their subsistence out of the tullubana which they may levy. In cases, however, of unavoidable necessity, the collector is permitted to employ muzcoory peons, who are to be allowed out of the tullubana which they may collect two annas per day for their subsistence. And on particular occasions, when, from the distance of situation or the necessity for despatch, the collector shall deem it proper, instead of a peon, to employ a horseman (sowar) in the serving of any written demand for revenue, the tullubana to be collected by the horseman shall begin at the rate of four annas per day, and augment at the rate of two annas per day, until the demand specified in the dustuck be liquidated. The horseman shall be allowed to retain out of his tullubana four annas per day for his own maintenance and the subistence of his horse; but no sowars are to be employed by the collector in the serving of dustucks, excepting those who form part of his public establishment and are entertained on monthly wages. All peons, whether employed on monthly wages or those termed muzcoory, and also sowars, are to give security, not to exact or receive, under any pretence, any sum or sums, or to accept of any subsistence for themselves or their horses, from any person or persons to whom they may be thus sent to demand payment of revenue, under the penalty of being made to refund double the amount, either by the collector, on such exaction or receipt coming to his knowledge, or in case of their being afterwards prosecuted on this account in the City Court, or either of the Zillah Courts.

See note at beginning.

How the sudder tullubana levied by the collector is to be appropriated.

VIII. The tullubana collected as above prescribed is to be accounted for, at the end of every month, by the collector's nazir and the jemadar of the sowars, to the treasurer of the moolky treasury, and the said nazir and jemadar are then to pay in the amount thereof, according to an attested statement under the collector's official seal and signature. This statement is to remain as a voucher in the said treasury; from the gross receipts specified in which there is only to be deducted the subsistence-money allowed to the peons or horsemen, as authorized in the preceding section.

On whom the collector is to make his demand for the huzoory revenue.

Rescinded by Sec. II. Reg. VII. 1807.

IX. When any huzoory malguzar (whose privileges, and the mode of acquiring them, are explained in Regulation II. 1795) falls in arrears, the collector may address his dustuck or written demand for the kist, *either* to the defaulter himself *or to his malzamin or security, or, if necessary, to both.*

On whom the teh-

seeldars are to make their demand for the revenue payable through them.

huzoory, or immediately to the collector, the tehseeldar, at the expiration of the fifth day from the date of his dustucks having been served without success on the party or parties in arrear, is to cause similar written demands, under the same attestations, and subject to the same progressive rate of tullubana, to be served on their sureties, if they shall have given sureties; and when the revenue in demand, together with the tullubana, shall be realized from the principal or surety, either at their places of abode, in consequence of the dustuck being served upon them, or at the tehseeldar's cutcherry, to which the peons are to escort them, by such time (consistently with the period fixed in the ensuing section for their being sent in to the collector) as shall be specified by the tehseeldar in the dustuck, such dustuck or dustucks, together with the peons serving the same, shall thereon be immediately withdrawn.

When the tehseeldars are to send in defaulters to the collector.

Period during which the collector may confine defaulters.

XI. The tehseeldars are not to confine in gaol, or put into stocks or irons, any persons, whether principals or sureties, who may be in arrears on account of the revenue; but in case of any such defaulter not paying up the demand on him by the tenth day after a dustuck shall have been served on a principal, or by the fifth day after the dustuck issued on his surety, such party or parties are invariably to be sent with a written report of the circumstances to the collector. In such instances, and also in similar cases of huzoory malguzars, *or their sureties*, on whom he may have sent a dustuck or written demand and summoned in the first instance, the collector, after inquiring into the circumstances, shall within ten days after the arrival of such defaulter or defaulters at his cutcherry (during which period of ten days he may either confine their persons, or only keep over them the peons with whom they arrived), either discharge him or them, on his or their paying the amount in demand, or satisfying the collector that he or they will make good such payment before the expiration of the current Hindoo month; or otherwise the collector is to cause the party or parties in question, after the expiration of the ten days, to be conveyed to the public gaol of the nearest Court of Dewanny Adawlut, and the collector is to apply to the court, by motion in writing to be made in open court (if the court shall be sitting) through the pleader of Government, for the confinement of the defaulter. If the court shall not be sitting, the motion is to be presented to the judge out of court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. . Upon receipt of the motion, the judge is immediately to order the defaulter to be confined in the gaol of the Dewanny Adawlut, and detain him until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the collector shall apply to the court, by motion made as above directed, to have him released.

See note at beginning.

When they are to be committed to the gaol of the City and Zillah Courts.

Motion in writing to be made to the court on this occasion.

Judges to confine the defaulter.

XII. [Interest on arrears.]—*Rescinded by Section II. Regulation VII.* 1830—*see Section VIII. Act I.* 1845.

Cases in which the collector is directed to suspend the exercise of the powers vested in him by Sec. xi.

XIII. If the crops in any estate or farm shall have been damaged or destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct of

the proprietor or farmer, and such proprietor or farmer shall fall in arrears, so as to subject himself to be confined under Section XI., and the collector shall be satisfied, from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the end of the current month, as required in the said section, either from the collections on account of such year from his estate or farm, or from his private funds or property, or by a loan, he is directed to suspend the exercise of the powers vested in him in Section XI. for the confinement of the defaulter. But the collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter, and to wait for, and be guided by, the instructions which he may receive from them.

See Sec. xxiii. Reg. V. 1800.

Precautions to be taken for the security of the revenue, on the confinement of a proprietor or farmer of land.

XIV. In all cases of the default or confinement of parties from whom revenue may be due, the collector is to issue directions to the tehseeldar of the district in which the lands of the defaulter may be situated, to levy the public revenue by realizing, in concert with the serishtadars, the defaulter's full share of the assessment on the crops to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the peons who may have taken him into custody.

See Sec. xxiii. Reg V. 1800.

See note at beginning.

From whom and in what proportions the revenue is to be collected, on Government's proceeding to realize the demands of defaulters from the putteedars and ryots.

XV. This sequestration of the profits of the party or parties in arrear is to extend also to the profits of all those of the brethren or putteedars, whose names may be inserted in the pottah of Government, and who shall have executed the corresponding cabooleat; without, however, infringing the rights of the inferior putteedars or sharers, or in talookas, of the dependent village zemindars or under-renters, or in any case, or under any description of tenure, of the common ryots, from whom the collections are to be made by the tehseeldar according to their engagements with the defaulter or defaulters; or where no such engagements exist, according to the established rules and usages of the village or talooka; and in addition to the accounts to be kept by the serishtadars, the defaulter may appoint a person to keep a counterpart of the accounts of the receipts and disbursements.

See Sec. xxiii. Reg. V. 1800.

Tehseeldars and collector liable to be prosecuted for any breach of the preceding rules.

Persons on whom a demand for revenue may be made by any tehseeldar or collector, at liberty to institute a suit to try the justice of it.

XVI. All complaints for any breach of the rules contained in the preceding sections, either by direct infraction of them or by unnecessary severity in the execution of them, are declared cognizable in the City and Zillah Courts, to which any of the parties may apply at all times, either in person or by vakeel. In such cases, the judge is to cause the collector or tehseeldar (according as the act complained of may have been done by the former or the latter) to be immediately served with a copy of the complaint, fixing a date, according to the distance of place, for the party complained against to deliver in his answer. On the receipt of such copy and notice, the collector or tehseeldar, respectively, within the period limited in the notice, shall give in his answer to the court, stating therein the amount in demand from the party or parties on whom the dustuck shall have been issued; and if the said party or parties shall not thereon dispute the justice of the demand, the judge shall stop all further proceedings in the cause. On the contrary, if the plaintiff or plaintiffs, in their replication or that of

their vakeel, delivered into court, shall not allow of the justice of the demand and shall thereon tender to the court sufficient malzaminy or security, as well for the sum actually in demand as for such further amount as may become due from the growing kists during the trial, and condition to abide by such decree as the court may pass, including all costs and charges, in case the plaintiff or plaintiffs be cast, the judge shall issue a written precept addressed to the tehseeldar or collector (according as the former or the latter may be the defendant), to withdraw the dustuck and peon from the plaintiff or plaintiffs in the cause. In conformity to the precept, the defendant shall withdraw his process on the party or parties complaining, and give in his answer, when if no part of the claim shall be found to be due from the complainant, the judge shall discharge him, and decree such costs and damages against the tehseeldar or the collector as he may deem equitable, upon a consideration of the circumstances of the case; and the damages so decreed shall be defrayed either by Government or the party prosecuted, according to the rules for such cases hereafter laid down in this Regulation. If only a part of the demand shall appear due, the court is to discharge the prisoner upon his paying such part. In both cases, however, the court, previous to releasing the prisoner, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the tehseeldar or collector, in consequence of orders from the Board of Revenue or without their orders. If the tehseeldar or collector shall state to the court that an appeal will not be preferred from the decision, or if an appeal shall not be lodged within the time limited for preferring appeals to the *Provincial Court of Appeal*, the judge shall release the person so confined without taking such security.

See note at beginning.

How lands of proprietors in arrear at the end of the year are to be disposed of.

In the case of the arrears arising from the proprietor's misconduct.

XVII. *First.* At the expiration of the year, if an arrear shall remain due from any talookdar or zemindar, or other actual proprietor of land, the collector is to communicate the amount to the Board of Revenue, accompanied by a detailed account of the causes of the failure; when, as far as regards the lands of proprietors, if the deficiency shall clearly appear to have proceeded from his or their embezzlement or misappropriation of the funds arising from the produce, and that there be no immediate prospect of the party or parties, or his or their sureties, making good the amount, the Board of Revenue, provided from the communications of the collector it shall appear to them expedient so to do, and the Governor-General in Council shall approve of the measure, may authorize the collector to transfer the rights of the defaulting landholder to such one or more of his putteedars, or sharers, as shall be able and willing, in consideration of such transfer, to pay up the balance due to Government. In such case the defaulter is not to be entirely excluded, but is to retain, as an inferior putteedar, such a portion of neej-jote ground as, with the approbation of the collector, the putteedars who may succeed him shall be willing to allow him to hold, at the established rate of rent payable by the most inferior of the family putteedars of the same village or talooka; provided, however, that no putteedar in arrear on account of rent to the defaulter shall be allowed to take advantage of this option, which the collector is successively to tender in preference to the others, in proportion to the greater or less interest they may severally possess in the estate, until one or more of them accept or they all decline it.

His rights may be transferred to his putteedars or partners, on their paying up the balance,

See Sec. xxvi. Reg. V. 1800.

See Act I. 1841.

Second. Where such transfer of a defaulter's rights to one or more of his putteedars or sharers shall not prove effectual in realizing the balance, or in cases where the deficiency cannot be proved to have arisen from embezzlement on the part of the landholder, but where the cause may not be of such a nature as to induce the Governor-General in Council to remit the amount, the Board of Revenue, with the sanction of the Governor-General in Council, may direct the collector either to continue the defaulter in possession, on his engaging, in such manner as shall be deemed satisfactory, to pay up his balance with the future revenue, or sequester to the use of Government the ensuing year's profits of the defaulter, in the manner and under the restrictions specified in Section XV. The last-mentioned measure shall be adopted where there is a reasonable prospect of at least realizing thereby the assessment payable to Government in the ensuing years; and, in such instances, it shall be the duty of the collector, in like manner as in all cases in which lands are held amauny, to acquire the fullest information, and to propose to the Board of Revenue such improvements of the jydaad, or funds, as may appear practicable, by making advances for tuccavy, gilandazee, the cutting down of jungles, or by the construction of embankments or water-courses, so as not only to prevent any diminution of the produce of the lands, but to improve and increase it.

or his profits may be sequestered by Government.

Case of a proprietor failing in balance through misfortune.

Duty of the collector in respect to the improvement of amauny lands.

Third. The profits arising from the surplus collections, over and above the former fixed jumma adjusted by the permanent settlement, after defraying the charges of improvement, whilst Government think fit to leave the lands amauny, shall be appropriated entirely to the use of the public, in the cases of all defaulting proprietors who may be dispossessed under the preceding clause, for embezzlement or misappropriation of the funds for the payment of the public revenue; and such zemindars shall not be reinstated, until from their own means they shall have paid up, or given satisfactory security for discharging the balance incurred, as well as to repay to Government the principal of the amount it shall have advanced for improving the estate. But in the other case stated in Clause Second, in which embezzlement shall not have been clearly proved against the defaulting landholders, the profits or surplus collections shall be set off against the arrears due from them, and they shall be entitled to reinstatement, as soon as the arrears shall thus, or otherwise from their own funds, have been discharged, or when they shall deliver in satisfactory security for the amount, inclusive of the whole or the part of the charges of improvement incurred during their dispossession, for which Government, on a review of the circumstances of the case, shall think fit to render them responsible.

How the profits arising from the land of dispossessed landholders are to be appropriated,

in the instances in which such landholders have been dispossessed for misconduct,

and in those where such misconduct is not ascertained.

Fourth. The rules in the preceding clauses of this section are to be understood with this reservation, that in all cases where talookdars, zemindars, or other land-owners, shall be dispossessed for arrears of revenue, Government shall have the option of letting their lands on lease, either for a term or in perpetuity, to any person or persons, in case of the dispossessed proprietors omitting or refusing to resume the management of their lands under the conditions that may be offered to them.

Right reserved to Government to let the lands of the dispossessed proprietors to whomsoever they shall think proper.

Fifth. [Sale of real and personal property.]—*Rescinded by Section II. Regulation VII.* 1830.

See Sec. xxvi. Reg. V. 1800.

XVIII. *First.* Where arrears shall be due by farmers near the close of

How lands rented by

farmers in arrear at the end of the year are to be disposed of.

the year, the recovery of which, either through themselves or their sureties, shall not have been effected by its expiration, the collector, with the sanction of the Board of Revenue, is to have recourse in the first instance, to the ancient zemindars of the village or talooka in question; who on paying up the farmer's balance, either immediately, or on finding security to pay it by instalments in the course of the ensuing year, shall be reinstated in their zemindarry.

Lands to be, in such instances, restored to the ancient zemindars,

or the farmer's lease to be continued, or the lands to be let again to such person, and for such a term, as Government may approve,

Second. Where there are no ancient zemindars, or where they decline to take on themselves the balance of the farmer, the latter may be continued, on his stipulating, in such manner as shall be deemed satisfactory, to pay off his balance with the future revenue; or otherwise the farm is to be re-let in perpetuity, or for such term as Government may direct, to such other person or persons as, in consideration of such lease, shall immediately pay up, or find satisfactory security for the removed farmer's balance, or the part of it the payment of which shall be required.

or to be held amauny under the collector.

Third. Where neither the ancient zemindars shall be reinstated, nor the farmer in arrear be continued, nor any new farmer undertake to discharge the balance incurred, or such part thereof as Government may require, the lands are to continue amauny, under the same kind of management and regard to their improvement, as is directed in Clause Second of the preceding section to be observed, in respect to lands from which zemindars shall have been dispossessed.

Property of farmers may be disposed of for the recovery of arrears.

Fourth. The Board of Revenue, in all cases in which they may judge it advisable (in addition to such recourse as is authorized to be had on the surety), may recommend to the Governor-General in Council the sale of the property of farmers in arrears, in conformity to the tenour of their engagements.

XIX. [Lands not to be sold while suit is pending, nor without sanction of Governor in Council.]—*Rescinded by Section II. Regulation XI.* 1822.

Tehseeldar how to proceed when a proprietor or farmer of land refuses to pay his arrears, or resists the process issued by him under Secs. iii. and x.

XX. If a tehseeldar shall issue the process prescribed in Sections III. or X. against any zemindar or other actual proprietor of land, or any farmer or surety, for payment of the amount of the instalment in demand, or of any other sum or arrears of revenue due, and the party to whom such process may be addressed shall refuse to obey, or resist, or cause to be resisted, the peon deputed to serve such process, or abscond from the peon after he shall have served such process, or retire to any place so that the process cannot be served on him, the tehseeldar who may issue the writing is immediately to represent the case to the collector, and to transmit a sooruthaul, or circumstantial report of it, under the seal of the cauzy and the attestations of the serishtadars; whereupon, if the party thus accused shall not intermediately have made his appearance at the collector's cutcherry, the collector shall issue a summons to him requiring him to repair to his cutcherry for the explanation of his conduct and for the payment of his kist, along with the two peons or the single sowar, either of whom the collector, at his discretion, may depute to serve this summons. Upon the arrival of the party at the cutcherry of the collector, the latter is to inquire into the circumstances of the case, and as may appear to him proper on a

Tehseeldar to advise the collector.

Collector to summon the party.

consideration of them, either order the offender to be committed to temporary confinement for any term not exceeding ten days, or to exact sufficient hazir or fael zaminy from him. If the non-attendance of the party, in the first instance, shall be found to have arisen from any misconduct in the tehseeldar's peon who served the process, he is to be dismissed, and declared incapable of being again employed in any revenue capacity whatsoever, and accordingly no tehseeldar shall afterwards employ him; and the tehseeldar shall also be removed, in case the resistance of the party served with the process shall appear to the collector to have arisen from the injustice of the demand of revenue made on him. Of all orders for the confinement or dismission of peons or tehseeldars under this Regulation, the collector is to make a separate monthly report to the Board of Revenue, who are thereon to issue such further instructions for his guidance as they may think proper.

Extent of the collector's authority in the cognisance and punishment of such offences.

XXI. In all cases in which the collector shall order any zemindar or farmer to be confined, under the authority vested in him by Section XX. he shall cause a notice thereof, and of the date from which such imprisonment is to commence, to be made through the vakeel of Government to the judge of the Dewanny Adawlut within whose jurisdiction the lands of such zemindar or farmer shall be situated; and such notices are to be filed of record in the courts, to guard against any undue protraction of the term of such commitments.

Collector to cause to be filed of record in the courts of justice, the confinement of zemindars or farmers under Sec. xx.

XXII.* If the party (being a talookdar, zemindar, or other actual proprietor of land) against whom the collector shall have issued process at the instance of the tehseeldar, as prescribed in Section XX., shall refuse to obey, or resist, or avoid compliance with the requisition of the process; or if, in the first instance, the collector shall have issued the process prescribed in Section IX. against any huzoory zemindar, or other actual proprietor of land, on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the collector is immediately to represent the circumstances, through the vakeel of Government, to the Dewanny Adawlut within the jurisdiction of which the lands on account whereof the arrears shall be due may be situated; and upon the peon or peons deputed to execute the process, or any two or more credible persons, making *oath* to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon *oath* to any questions which he may put to them, that the charge is well founded, shall require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of publication. The publication is to be written in the Persian language, and the Hindostance language and Nageree character, and shall be fixed up as early after the

Collector how to proceed when a proprietor of land refuses to obey, or resists the process issued by him under Sec. xx., or escapes from the peons, or prevents the process being served upon him.

Judge, upon the charge appearing to him well founded,

to issue a publication, requiring the defaulter to deliver himself up to the court in four weeks.

In what language the publication is to be written, and where, and when, it is to be fixed up.

See Act XXIX. 1837.

* All the rules in this Regulation relating to "resistance, disobedience, or evasion of the collector's process," are by Sec. xxiii. Reg. V. 1800, declared to be in full force, and applicable to process issued under that Regulation.

date of it as may be practicable, at his usual place of abode, or the principal cutcherry in the estate on account of which arrears may be due, and the office of the collector and the court-room of the Dewanny Adawlut of the zillah; and in the mean time the collector is to cause the rents and revenues of the estate of the defaulter to be realized on behalf of Government, in the manner specified in Sections XIV. and XV.

Decree to be passed by the court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

XXIII.* If the defaulter shall not surrender himself before the expiration of the period limited in the publication directed to be made in Section XXII., or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, and that which the collector may adduce in support of his representation, it shall be proved, to the satisfaction of the court, that the defaulter is guilty of the charge, the court is to decree the proprietary right of the defaulter and his heirs in the estate on account of which the arrears may be due, forfeited to Government. If the defaulter shall not appeal from the decree to the *Provincial Court of Appeal* within the time limited for preferring appeals to that court in Section XII. Regulation V. 1793, the court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. *If the defaulter shall appeal to the Provincial Court of Appeal within the prescribed time, and the court shall confirm the decision of the City or Zillah Court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X. Regulation VI.* 1793, *the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the City or Zillah Court, to the Governor-General in Council.* If an appeal shall be received from the decision of the *Provincial Court of Appeal*, and the Sudder Dewanny Adawlut should confirm the decree of the *Provincial Court*, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal*, to the Governor-General in Council. If the judge of the City or Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Sections IX. and XX. or either of them, had been duly served upon him and he had obeyed it, and the collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, *and the Provincial Court should reverse the decision of the City or Zillah Court and adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder Dewanny Adawlut; or if it shall be appealable, and an appeal should not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If the judge of the City*

Court to transmit the decree and proceedings to the Governor-General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the City or the Zillah Court be confirmed, the Provincial Court to transmit a copy of the decree and proceedings to the Governor-General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed in case the suit should be appealed to them, and they should confirm the decision of the *Provincial Court*.

Collector how to proceed if the City or Zillah Court should adjudge the charge not proved.

Rule for cases in which the Provincial Court of Appeal may reverse such decisions of the City or Zillah Courts.

Collector how to

* See note to Sec. xxii.

or Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the collector is immediately to transmit a copy of the decrees and proceedings of the City or Zillah Court and Provincial Court of Appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the court should reverse the decision of the *Provincial Court* and declare the proprietary right in the estate forfeited, the court is immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal,* to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the *Provincial Court of Appeal,* under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last-mentioned court, unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculated according to the amount paid or payable by the putteedars, distinct or common, under-farmers and ryots, to the defaulter, on account of the year in which the decision of the City or Zillah Court may be passed, shall exceed *one thousand sicca** rupees; and the collector is enjoined to insert generally in the representation which he is directed to make to the Dewanny Adawlut of the city or zillah in Section XXII. whether the produce of the estate on account of the year above mentioned, according to the best information he may have been able to obtain, exceeds or falls short of *one thousand sicca** rupees, but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limited period and the collector shall have stated the produce of the estate to be under *one thousand sicca** rupees, and the defaulter shall not deny the truth of the collector's statement in his answer to the charge, and the cause should be afterwards brought before the *Provincial Court of Appeal,* an appeal shall not lie from the decision of that court to the Sudder Dewanny Adawlut. If the collector shall represent that the produce of the estate for the year before mentioned exceeds or falls short of *one thousand sicca** rupees, and the defaulter should appear within the limited time, and in his answer to the charge object to the statement, the judge is to try the objections, and pass such decision upon them as may appear to him equitable. *If the cause should be afterwards brought before the Provincial Court of Appeal, and no objection be offered by either party to the decision of the City or Zillah Court on the collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the Provincial Court is to try the objections, and pass such decision upon them as may appear to it equitable.* If an appeal from the decree of the *Provincial Court* should be presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal should depend upon the produce of the estate for the year before mentioned exceeding or falling short of *one thousand sicca** rupees, the Court of Sudder Dewanny Adawlut is to examine the decisions passed by the Dewanny Adawlut of the city or zillah, and the *Provincial Court of*

proceed if the charge should be judged proved in the City or Zillah Court, and the Provincial Court of Appeal shall reverse the decision

Rule for determining from what decrees of the *Provincial Court of Appeal* passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

* Raised to 5,000 by Reg. V. 1798, and Sec. xxiii. Reg. V. 1800.

Appeal, respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable. Decrees that may be passed under this section by the Dewanny Adawlut of any city or zillah, *or the Provincial Court of Appeal*, or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to Government, shall not be carried into execution, in any case whatever, without an order from the Governor-General in Council confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of. It shall be at the option of the Governor-General in Council, within four weeks after the receipt of a decree adjudging the proprietary right of any defaulter in any estate forfeited, either to order the decree to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector. But if the Governor-General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed or commute the forfeiture for a fine, the decree is to stand good against the defaulter. The process which a collector may institute against a defaulter in the Court of Dewanny Adawlut of the city or zillah under this section, as well as the prosecution or defence of any appeal from the decision of such court which may be preferred *to the Provincial Court of Appeal, or from the decree of the Provincial Court* to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, is to be carried on at the public expense, and to be conducted by the vakeel of Government, whom the collector is to furnish with the necessary instructions.

Decrees passed under this section not to be carried into execution without the sanction of the Governor-General in Council.

If the estate is decreed forfeited, the Governor-General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if not ordered to be executed, or commuted for a fine within the time above mentioned.

Process and appeals instituted under this section to be conducted by the vakeel of Government on the part of the collector, and to be carried on at the public expense.

XXIV.* If the defaulter mentioned in Section XXII. shall be allowed to retain the proprietary right in his estate, Government is to account to him for the amount received from it during the sequestration; and if it shall exceed the public revenue that was due from the estate, the expenses attending the sequestration, and the fine which may be imposed on the defaulter, the overplus is to be returned to him. If the sum received through the officers of Government appointed to make the collections during the sequestration shall be inadequate to the payment of the several demands above mentioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.

Proceeds of the estate of the defaulter, whilst attached, to be accounted for to him if the forfeiture should be commuted for a fine.

Portion of the defaulter's estate to be sold, if the proceeds should not be adequate to answer all demands against him, and he should not discharge them.

XXV.* If the decree adjudging the proprietary right in the estate of the defaulter forfeited shall be confirmed under Section XXIII., it shall be at the option of the Governor-General in Council either to confer such right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to Government from the defaulter on

If the forfeiture should be confirmed, the Governor-General in Council to confer the estate on the heirs of the defaulter, or dispose of it at public sale.

* See note at Sec. xxii.

account of the estate, and to pay the fixed revenue assessed upon it, or to dispose of it at public sale, subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he is to be immediately released if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are to be appropriated towards the discharge of the demands of Government, either on account of the public revenue, the expense attending the deputation of the aumeen or other native officer appointed to make the collections, or other charges incurred in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of the sale, or if any such demand should be due and the proceeds shall exceed the amount of it, the whole of the proceeds in the first-mentioned case, and the overplus in the second, is to be carried to the public account, or applied in any other manner that the Governor-General in Council may direct.

Collector how to proceed, if a farmer refuses to obey or resists the process issued by him under Section XX., or escapes from the peons, or prevents the process being served upon him.

XXVI.* If the party (being a farmer) against whom the collector shall have issued his process at the instance of the tehseeldar, as prescribed in Section XX., shall refuse to obey, or resist, or avoid compliance with the requisition of the process; or if, in the first instance, the collector shall have issued the process prescribed in Section IX. against any huzoory farmer, on account of arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the peons deputed by the collector to convey him to gaol, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that the process cannot be served upon him, the collector is immediately to represent the circumstances, through the vakeel of Government, to the Dewanny Adawlut of the city or zillah wherein the lands on account of which the arrears shall be due may be situated; and upon the peon or peons deputed to execute the process, or any two or more credible persons making *oath* to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon *oath* to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nagereo character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal cutcherry in the farm, and in the office of the collector and the court-room of the Dewanny Adawlut; and in the mean time the collector is to cause the rents and revenues of the farm of the defaulter to be realized on behalf of Government, as prescribed in Sections XIV. and XV. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answers to the charge and the evidence that he may have to produce in his defence, and that which the collector may adduce in support of his representation, if it shall be proved, to the satisfaction of the court, that the defaulter

Judge, upon the charge appearing to him well founded, to issue a publication requiring the defaulter to deliver himself up to the court in four weeks.

See Act XXIX. 1837.

In what languages the publication is to be written, and where, and when, it is to be fixed up.

Decree to be passed by the City or Zillah Court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time and the charge being proved against him.

* See note at Sec. xxii.

is guilty of the charge, the court shall decree the lease of the farmer annulled from the expiration of the Fussily year in which the decree may be passed. *If the defaulter shall not appeal to the Provincial Court of Appeal within the time limited for preferring appeals to that court in Section XII. Regulation V.* 1793, *the court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the Provincial Court of Appeal within the prescribed time, and that court shall confirm the decision of the City or Zillah Court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council.* If an appeal shall be received from the decision of the *Provincial Court of Appeal*, and the Sudder Dewanny Adawlut shall confirm the decree of the *Provincial Court*, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal*, to the Governor-General in Council. If the judge of the City or Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in Sections IX. and XX. or either of them, had been duly served upon him and he had obeyed it, and the collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it or not, as may appear to them proper. *If the board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the Provincial Court should reverse the decision of the City or Zillah Court and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and an appeal shall not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If the judge of the City or Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the collector is immediately to transmit a copy of the decrees and proceedings of the City or Zillah Court and the Provincial Court of Appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper.* If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the *Provincial Court* and adjudge the lease annulled, the court is immediately to transmit a copy of the decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal*, to the Governor-General in Council. That no doubt may be entertained from what decrees passed by the *Provincial Court of Appeal* under this section an appeal shall be admitted to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the jumma paid or payable to Government by the defaulter, on account of the year in which the decree of the

Court to transmit the decree and proceedings to the Governor-General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the City or Zillah Court be confirmed, the Provincial Court to transmit a copy of the decree and proceedings to the Governor-General in Council, in the event of the defaulter's not appealing in time to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the *Provincial Court.*

Collector how to proceed if the City or Zillah Court should judge the charge not proved.

Rules for cases in which the Provincial Court of Appeal may reverse such decisions of the City or Zillah Courts.

Rules for cases in which the charge may be judged proved in the City or Zillah Court, and the Provincial Court of Appeal shall reverse the decision.

Rule for determining from what decrees of the *Provincial Courts of Appeal* passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

City or Zillah Court may be passed, shall exceed *one thousand sicca** rupees; and the collector is enjoined to state generally in the representation which he is above directed to make to the City or Zillah Court, whether the jumma paid or payable by the defaulter in such year exceeds or is less than *one thousand** rupees, but without specifying the exact amount of it; and the rules prescribed in Section XXIII. regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the collector is therein directed to present to the City or Zillah Court, are to be held applicable to the statement of the jumma payable by defaulting farmers required to be submitted by the collector in this section. Decrees that may be passed under this section by the Dewanny Adawlut of the city or any zillah, or the *Provincial Court of Appeal*, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution, in any case whatever, without an order from the Governor-General in Council confirming the decree. It shall be at the option of the Governor-General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine, as upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed on the defaulter, the court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector. But if the Governor-General in Council, within four weeks after the decree shall have been received by him, shall not either order it to be executed or commute the annulling of the lease for a fine, the decree shall stand good against the defaulter. The process which the collector may institute in the Dewanny Adawlut of the city or any zillah under this section, as well as any appeal that may be preferred from the decision of the City or Zillah Court *to the Provincial Court of Appeal, and from the decision of that court* to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, are to be defended and carried on at the public expense and by the vakeel of Government, whom the collector is to furnish with the necessary instructions.

Decrees passed under this section not to be carried into execution without the sanction of the Governor-General in Council.

If the lease shall be adjudged annulled, the Governor-General in Council may confirm the decree, or commute the annulling of the lease for a fine, within four weeks after he may receive the decree.

If the decree shall be commuted for a fine, how it is to be levied.

Process and appeals under this section to be conducted by the vakeel of Government on the part of the collector, and at the public expense.

XXVII.† If the lease of the defaulter mentioned in Section XXVI. shall be annulled, he shall receive credit for the collections made by the officers of Government, after deducting the charges incurred which may be admitted, and if any balance shall then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the collector is to serve the surety with the written demand for the amount, requiring it to be paid at the treasury of the collectorship within a certain

Accounts with the defaulter how to be settled if the lease should be annulled.

Balance, if any due, to be levied from him and his surety.

* Raised to 5,000 by Reg. V. 1798, and Sec. xxiii. Reg. V. 1800.

† See note at Sec. xxii.

number of days after the day on which the writing may be served by the peon to be deputed for that purpose; and in the event of its not being discharged by the time limited in the writing, the collector is to proceed against the surety, and the defaulter also if he shall be forthcoming and should not have been previously confined, in the manner in which he is directed to proceed in Section XI. against defaulters in arrear on account of revenue. If there shall be a surplus after discharging all the demands above mentioned, it is to be paid to the defaulter, who shall be at liberty to prosecute in the City or Zillah Court, the talookdars, zemindars, putteedars, distinct and common, and the under-farmers and ryots, in the land included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Surplus, if any, to be paid to the defaulter.

Defaulter to be at liberty to prosecute any proprietors, farmers, or ryots, for arrears in the Dewanny Adawlut of the zillah or city.

Collector how to proceed, when sureties of proprietors or farmers of land refuse to obey, or resist the process issued by him under Sec. xx., or escape from the peons, or prevent the process being served upon them.

XXVIII.* If the party (being a surety) against whom the collector shall have issued his process at the instance of the tehseeldar, as prescribed in Section XX., shall refuse to obey, or resist or avoid compliance with the requisition of the process, or if, in the first instance, the collector shall have issued the process prescribed in Section IX. against the surety of any proprietor or farmer of land, and such defaulting surety shall refuse to obey, or resist, or cause to be resisted, the peons thus deputed by the collector, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that the process cannot be served upon him, the collector is thereon immediately to represent the circumstances, through the vakeel of Government, to the Dewanny Adawlut of the city or zillah in the jurisdiction of which the lands on account whereof the arrears shall be due may be situated; and upon the peon or peons deputed to execute the process, or any two or more credible persons, making *oath* to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon *oath* to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian language, and the Hindostanee language and Nageree character, and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, and in the principal cutcherry in the estate or farm, the office of the collector, and the court-room of the Dewanny Adawlut. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence and that which the collector may adduce in support of his representation, if it shall be proved, to the satisfaction of the court, that the defaulter is guilty of the charge, the court shall adjudge him to pay a fine, according to the nature of the offence and his situation and circumstances in life. *If the defaulter shall not appeal to the Provincial Court of Appeal within the time limited for*

Judge, upon the charge appearing to him well founded, to issue a publication, requiring the defaulter to deliver himself up to the court within four weeks.

In what languages the publication is to be written, and when and where it is to be fixed up.

See Act XXIX 1837

Decree to be passed by the City or Zillah Court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings

* See note at Sec. xxii.

preferring appeals to that court in Section XII. Regulation V. 1793, *the court is immediately to transmit to the Governor-General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the Provincial Court of Appeal within the prescribed time, and that court should confirm the decision of the City or Zillah Court, or if the case shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section X. Regulation VI.* 1793, *the Provincial Court of Appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council.* If an appeal shall be received from the decision of the *Provincial Court of Appeal*, and the Sudder Dewanny Adawlut shall confirm the decree of the *Provincial Court*, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the *Provincial Court of Appeal*, to the Governor-General in Council. If the judge of the City or Zillah Court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Sections IX. and XX. or either of them, had been duly served upon him and he had obeyed it; and the collector is immediately to obtain from the court a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it or not, as may appear to them proper. If that board should order an appeal to be preferred, and it shall be lodged within the limited time, and the *Provincial Court of Appeal should reverse the decision of the City or Zillah Court and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it should be appealable and an appeal shall not be preferred within the limited time, the Provincial Court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the City or Zillah Court, to the Governor-General in Council. If the judge of the City or Zillah Court shall decree the charge proved, and the decision shall be reversed in the Provincial Court, the collector is immediately to transmit a copy of the decrees and proceedings of the City or Zillah Court and the Provincial Court of Appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper.* If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the *Provincial Court* and confirm that of the City or Zillah Court, the Sudder Dewanny Adawlut is immediately to transmit a copy of its decree and proceedings, and of the decrees and proceedings received from the *Provincial Court*, to the Governor-General in Council. And that no doubt may be entertained from what decrees passed by the *Provincial Court of Appeal* under this section an appeal shall lie to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last-mentioned court, unless the fine adjudged to be paid by the defaulter shall exceed *one thousand sicca** rupees. Decrees that may be passed under this section by the Dewanny Adawlut of the city, or any zillah, or the *Provincial Court of*

to the Governor-General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the City or Zillah Court be confirmed, the Provincial Court to transmit a copy of the decree and proceedings to the Governor-General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them and they should confirm the decision of the *Provincial Court.*

Collector how to proceed, if the City or Zillah Court should judge the charge not proved.

Rules for cases in which the Provincial Court of Appeal may reverse such decision of the City or Zillah Court.

Rules for cases in which the charge may be adjudged proved in the City or Zillah Court, and the Provincial Court of Appeal shall reverse the decision.

Sudder Dewanny Adawlut how to proceed, in the event of its reversing such decision of the *Provincial Court.*

Rule for determining from what decrees of the *Provincial Court of Appeal* passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees passed under this section not to be carried into execution

* Raised to 5,000 by Reg. V. 1798, and Sec. xxiii. Reg. V. 1800.

without the sanction of the Governor-General in Council.

Appeal, or by the Sudder Dewanny Adawlut, adjudging a fine to be paid by a surety, are not to be carried into execution, in any case whatever, without an order from the Governor-General in Council confirming the decree.

Option reserved to the Governor-General in Council of confirming or alleviating the fine within four weeks after the decree may be received by him.

It shall be at the option of the Governor-General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed or to alleviate the fine. The court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it by the same process by which it is directed to enforce decrees of the court and to pay the amount to the collector. But if the Governor-General in Council, within four weeks after the decree shall have been received by him, shall not either order it to be executed or alleviate the fine, the decree shall stand good against the defaulter, and the court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving directions for that purpose, is to levy the amount of the fine in the manner above prescribed.

If the fine shall be confirmed or alleviated, by what court, and how it is to be levied.

Process and appeals instituted under this section to be conducted by the vakeel of Government, on the part of the collector, and to be carried on at the public expense.

The process which the collector may institute in the Dewanny Adawlut of the city or zillah under this section, as well as the appeals that may be preferred from the City or Zillah Court *to the Provincial Court of Appeal, and from the decision of that court* to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, are to be defended or carried on by the vakeel of the Government and at the public expense.

XXIX. [Time when defaulters' lands may be ordered for sale—how defaulter may stay the sale.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

Collector to attach lands of sureties whom he may proceed to confine, sufficient to answer the demand against them.

XXX. When a collector shall proceed to confine the surety of any proprietor or farmer of land, in the cases authorized in this Regulation, he is immediately to cause such portion of the surety's lands as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached under the rules prescribed in Sections XIV. and XV. for the attachment of the lands of defaulting proprietors.

How the collector is to proceed if the surety possess no lands in the province of Benares.

If the surety shall not possess any landed property within the province of Benares, but shall possess lands in either of the provinces of Bengal, Behar, or Orissa, the collector is to depute an aumeen into the zillah in which such property may be situated, with the letter specifying the amount of the demand on him and the property to be attached. The collector of such zillah is immediately to order a peon to point out the property to the aumeen, who is to keep it in attachment until the Board of Revenue shall *have obtained the* sanction *of the Governor-General in Council for* the sale of it. The aumeen is to apply the amount of the collections from the lands, after deducting the expenses of his establishment, towards the discharge of the public revenue, which he is to pay to the collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made. If the property of the surety that may be attached shall be too inconsiderable to admit of its being charged with the expense of an aumeen, the collector to whom the money due from the surety may be payable is to apply to the collector of the zillah in

See note at beginning.

Superseded by Sec. xxvii. Reg. V. 1800.

which the lands may be situated, to order the nearest tehseeldar or native officer employed under him in the business of the collections, to take charge of the lands, and the collector to whom the application shall be made is to comply with it; and the tehseeldar or native officer to whose charge he may commit the lands is to perform the duties prescribed to the aumeen in Section VI. Regulation XIV. 1793, and under the same restrictions and penalties. The collector of the zillah in which the lands may be situated is not to be liable to any prosecution on account of the attachment, but the collector in conformity to whose application the attachment may take place is to be responsible for the consequences, in the same manner as if the lands had been situated in his own jurisdiction.

See note at beginning.

Superseded by Sec. xxvii. Reg. V. 1800.

The Board of Revenue are to apply to the Governor-General in Council for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached or after the close of it, as they may deem advisable.

Board of Revenue to apply for permission to sell the lands of the surety.

XXXI.* When lands are ordered to be sold under this Regulation, the collector (unless the lands shall have been previously committed to the charge of a tehseeldar or other native officer, in which case such officer is to perform the duties hereafter specified in this section) is immediately to issue instructions to the tehseeldar of the pergunnah to hold the lands in attachment, collect the rents and revenues under the rules and restrictions prescribed regarding lands under attachment in Section XV., and to prevent waste being committed by the defaulter, and furnish any information that may be required for the adjustment of the jumma to be assessed on the lands directed to be sold.

Collector to attach lands ordered to be sold.

XXXII. to XXXIV. [Process of sale—responsibilities of purchasers.] —*Rescinded by Clause First, Section II. Regulation XI.* 1822.

XXXV. Any person confined for arrears of revenue, or other demands of Government, under this Regulation, either pursuant to a judicial decree or without such decree, is to be at liberty to apply to the judge of the Court of Dewanny Adawlut of the city or zillah, to require the collector to show cause why he is continued in confinement. If the person making such application shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the City or a Zillah Court, or the *Provincial Court of Appeal*, and the time prescribed for appealing from the decision shall have elapsed, the judge is not to enter into the merits of the case, but only to inquire whether the prisoner has discharged the amount of the decree, and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the collector is empowered by this Regulation to observe before conveying persons to gaol for claims of Government, and he shall dispute the justness of the demand, the judge is not to inquire into the merits of the case, unless the party should renew his complaint, after the expiration of the period during which the collector, by the discretionary power vested in him by Section XI. is authorized to confine parties in arrear; which rule is hereby extended to

Judge empowered to require the collector to show cause why any defaulter is continued in confinement under a judicial decree, and how to proceed in such cases.

* The corresponding rule in Sec xxv. Reg. XIV. 1793, is rescinded by Cl. 1, Sec. ii. Reg. XI. 1822.

Rule applied where a person is confined without a judicial decree.

demands on sureties and purchasers of land, as far as it can be applied to them. If, however, the prisoner shall admit the justness of the demand for which he was confined, as well as any other claims that may be made upon him for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, or otherwise apply to the court under Section XVI., the judge is to proceed to inquire into the merits of the case. Upon examination of the prisoner's accounts of his payments, if it shall appear to the judge that the demands for which he may be in confinement have been liquidated, he is to release him, upon his giving security to make good any sum which the collector may state to be still due from him, in the event of the cause being appealed and the sum being awarded in favour of Government. If the collector shall not object to the adjustment of accounts made by the court, or if he shall object to them and the person confined shall omit to give the security above required, and the collector shall not appeal within the time limited for preferring appeals, the judge is to release the prisoner without taking any security. If it shall be found that the whole, or a part of the sum for which such person may be in confinement, remains undischarged, and he shall acquiesce in the adjustment of accounts made by the court, and shall have been confined on account of such demand for a term exceeding one year, the judge is empowered to release him, upon his giving good security to pay the sum remaining due from him, by instalments, during the course of one year after his release. The collector and the prisoner are to be allowed to appeal from the decision which may be passed by the court under Section XVI. and this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals. The rules prescribed to the collector in the following section, respecting the decisions therein specified, are to be considered applicable to all decisions passed under Section XVI. and this section.

Collector how to proceed in case of his being cast in a prosecution instituted against him in the City or Zillah Court, on account of sums demanded or received by him as arrears of revenue.

See Sec. ix. Reg. II. 1805.

XXXVI. Upon a decision being passed in the Dewanny Adawlut, by which the whole or any part of a sum of money that may have been demanded or actually received by the collector, as an arrear of revenue under this Regulation, from any proprietor or farmer of land, shall be adjudged not to be due, the collector is to apply immediately to the court, through his own vakeel, for a copy of the proceedings and decree. The court is to order copies of the proceedings and decree to be delivered to the collector with all practicable dispatch. The collector is to forward the papers without delay to the Board of Revenue, with a letter stating his objections to the decree. *If the Board shall be of opinion that the decision is not well founded, they are to authorize the collector to appeal the cause to the Provincial Court of Appeal. If that court shall confirm the decision of the City or Zillah Court, the collector is to apply for, and the court is to grant, a copy of their proceedings in appeal, exclusive of the decree and proceedings received from the City or Zillah Court. The collector is to forward the decree and proceedings of the Provincial Court to the Board of Revenue, with a letter containing his objections to the decree of that court.* If the Board shall be dissatisfied with the decision of the *Provincial Court of Appeal, and the cause shall be appealable to the Sudder Dewanny Adawlut,* they are to direct the collector to prefer an appeal to that court. If the Board of Revenue

are satisfied with the decision of the *Provincial Court of Appeal*, they are to direct the collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in which the Board of Revenue may order the collector to prefer an appeal to the *Provincial Court*, the collector is to be indemnified by Government for all costs and damages that may have been awarded against him by the City or Zillah Court. On the other hand, if the Board of Revenue shall deem the decision of the City or Zillah Court equitable, and not direct an appeal, the collector is to defray all the costs and damages that may have been awarded against him in that court. The collector is, nevertheless, to be at liberty to appeal the cause, but at the risk of paying all costs and damages that may be adjudged against him in appeal, in the event of his being ultimately cast. Appeals in which the collector may be engaged, *either in the Provincial Court of Appeal or* the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the vakeel of Government and at the public expense.

Collector to be indemnified for all expenses incurred in suits in the City or Zillah Court from decisions from which the Board of Revenue may direct an appeal.

XXXVII. If a collector shall be prosecuted under Section XVI. and the prosecutor shall be cast, or be dissatisfied with the decision of the judge of the Dewanny Adawlut of the city or zillah, *and appeal to the Provincial Court of Appeal, the collector is to appoint one of the vakeels of the court to plead the cause. If the decree of the City or Zillah Court shall be confirmed or the appellant should be dissatisfied with the decision of the Provincial Court of Appeal* and appeal to the Sudder Dewanny Adawlut, and an appeal should be admitted, the collector is to appoint one of the pleaders in that court to defend the suit. *If the Provincial Court of Appeal shall not confirm the decision of the City or Zillah Court, the collector is to apply to the Provincial Court for a copy of the proceedings and decree of the City or Zillah Court, and of their proceedings and decree in the appeal. The courts are to furnish the collector with these papers with all practicable dispatch, and the collector is to forward them to the Board of Revenue, with a letter stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the Provincial Court is not well founded, they are to authorize the collector to appeal to the Sudder Dewanny Adawlut.* If the Board shall see no ground for appealing from the decision of the *Provincial Court of Appeal*, the collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expenses which may be awarded against him by that court in the event of his being cast. All appeals that may be preferred by the collector *to the Provincial Court of Appeal or* to the Sudder Dewanny Adawlut, or in which he may be respondent, under this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expense and conducted by the vakeel of Government, who is to be furnished with the necessary instructions for that purpose by the collector.

If persons prosecuting under Sec. xvi. shall be cast and appeal, *the collector is to nominate one of the vakeels of the Provincial Court of Appeal to defend the appeal.*

If the decision of the City or Zillah Court should be confirmed, and the cause be appealed to the Sudder Dewanny Adawlut, and an appeal be admitted, the collector is to appoint one of the vakeels of that court to defend the appeal.

Collector how to proceed, if the Provincial Court should not confirm the decision of the City or Zillah Court.

Board of Revenue to order the collector to appeal, if they think the decision of the Provincial Court not well founded.

If the Board of Revenue shall not direct an appeal, the collector is to be at liberty to appeal, but at his own risk.

All appeals preferred by the collector under this section, agreeably to the orders of the Board of Revenue, to be carried on by the vakeel of Government and at the public expense.

See Reg. II. 1814.

XXXVIII. In every case in which a collector may be prosecuted in the Dewanny Adawlut of the city or any zillah, under this Regulation, for sums demanded or received by him on behalf of Government from any proprietor or farmer of land, or from any surety, or from any purchaser of land, or for any sums demanded, or received, or taken by him, directly or

Collector to appoint vakeels of the City or Zillah Court, to defend suits preferred against him under this Regulation, and to nominate vakeels of the Court of Appeal to carry on ap-

peals which he may have preferred without the orders of the Board of Revenue.

indirectly, for his own use, from any of the above-mentioned descriptions of persons, over and above what he may be entitled to demand on behalf of the public, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and in appeals that he may have preferred without the orders of the Board of Revenue, he is to appoint any of the authorized vakeels of the court before which the suit may be brought to plead the cause.

What suits instituted against a collector under this section are to be considered of a personal and private nature, and how he is to defend them.

XXXIX. In prosecutions that may be instituted in the Dewanny Adawlut of the city or any zillah against the collector of the province, for sums of money demanded, or directly or indirectly received or taken by him, for his own use, from any proprietor or farmer of land, or any surety, or any purchaser of land, or for any acts done in his official capacity that may be repugnant to this Regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demanded by him on behalf of Government, in conformity to this Regulation (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this Regulation), the collector is not to forward the decree and proceedings to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature between the collector and the prosecutor, and the collector is to defend it at his own risk and expense, in the same manner as individuals amenable to the courts, and not employed by Government, are required to defend suits instituted against them.

Collector not to derive any pecuniary advantage from suits in which he may be engaged, except in the cases specified in Section XXXIX.; nor to suffer any loss, if his conduct is determined to be conformable to this Regulation.

Collector to bring to account all costs and damages that may be adjudged to him, with the exception above specified.

Collector to issue from the public treasury, and note in his accounts the expenses of suits that are at all events to be defrayed by Government, as well as the expenses of suits that may be ultimately defrayable by Government, but not to insert such expenses in his accounts without the sanction of the Board of Revenue.

XL. The collector is not to derive any pecuniary advantage whatever from suits that he may institute, or which may be preferred against him in any of the courts of justice, in his official capacity, with the exception of suits in which he may be engaged under the preceding section, the sums awarded to him in which he is to apply to his own use. On the other hand, it is not intended that the collector should sustain any loss in levying the dues of Government, in cases in which his conduct may be adjudged by a final judicial decree to be conformable to this Regulation. The collector is accordingly to bring to the credit of Government in his monthly accounts, all sums whatever (with the exception above specified) that may be adjudged to him as costs or damages by any of the courts of civil justice; and he is to insert at the foot of his monthly accounts, or in a separate account, or in his monthly accounts under a distinct head, according as the Board of Revenue may deem advisable, all sums which he may disburse in conformity to this Regulation, on account of process or suits directed to be carried on by the vakeel of Government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits, the costs and damages in which may be ultimately defrayable by Government, but for which the collector is directed to be held responsible in the first instance. But he is in no case to charge these disbursements in his accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the collector is to be held answerable for the disbursements.

Board of Revenue to report to the Governor-General in Council any

XLI. If a collector shall have been compelled to pay costs or damages in any suit under this Regulation, and upon his stating the case to the

Board of Revenue it shall appear to them, upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the board are to transmit the case to the Governor-General in Council, who will determine whether the collector shall be made responsible for such costs or damages or not.

Cases in which a collector may have been compelled to pay costs or damages, and for which they may be of opinion he ought not to be made responsible.

XLII. Security is not to be demanded from the collector for his personal appearance in any suit in which he may be engaged under this Regulation. Nor shall any security be required from him for the payment of the costs, or for the performance of the decrees or orders of the court, in suits which are directed by this Regulation to be carried on by the vakeel of Government, and at the public expense. In suits for sums demanded or received by the collector on behalf of Government, for the costs and damages in which he is declared eventually responsible, the courts are to require the same security from the collector for the payment of the costs and damages, as would be taken in similar cases from individual suitors; but they are not to require any security from him for the performance of their decrees respecting the sums which may constitute the subject of the suits, as Government will be answerable for the due performance of them. In the suits described in Section XXXIX. which may be instituted against the collector, he is to give the same security for the payment of the costs, and the performance of the decrees and orders of the courts, as would be required from individual suitors in similar cases. If a collector shall refuse or omit to pay, within the limited period, any sum of money that may be ordered to be levied from him, either on account of the suits described in Section XXXIX. or as costs or damages in any other suits for the expenses incurred in which he is declared eventually responsible, the court is to levy the amount from his surety by the customary process. If the court shall not be able to obtain payment from his surety, the judge is to report the circumstances to the Governor-General in Council, who will order the amount to be paid from the public treasury and deduct it from the allowances which may be receivable by the collector from Government. In all other cases, if a collector shall omit or refuse to obey any order or decree of a Court of Judicature, the court from which the process shall have issued is to fine him according to the nature of the offence. In the event of the collector refusing or omitting to pay the fine, the court is to report the circumstances to the Governor-General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such collector from Government.

Cases in which security is to be demanded from the collector for costs or damages, or for the performance of decrees of the court.

Court how to proceed in the event of a collector omitting or refusing to obey any order or decree.

XLIII. The Board of Revenue are to issue such instructions as they may think advisable to the collector, regarding the mode of inserting in his monthly accounts the sums which may be paid to him as costs and damages, in consequence of the orders or decrees of any of the Courts of Civil Judicature, or noting at the foot of his accounts, or charging under a separate head in his monthly accounts, the sums which he may disburse as costs or damages which are expressly directed to be defrayed by Government, whatever may be the final decision in the cause or that may be ultimately defrayable by Government, although in the first instance the collector is to be held responsible for them; and to require such vouchers

Board of Revenue to issue instructions to the collector regarding the mode of inserting or not inserting in his accounts his receipts and disbursements in the suits herein mentioned, and to require such vouchers for the sums as they may think proper.

as they may deem necessary for such receipts and disbursements, as well as for the sums which the courts may adjudge to be repaid from the public treasury, or not to be due to the public.

Process issued against collectors under this Regulation how to be served.

XLIV. When any process or order shall be issued by any of the courts of civil judicature to the collector, in suits instituted under this Regulation, the register* of the court immediately serving the process or order is to transmit it under a cover, sealed in the form of a letter, and superscribed with his name and official apellation, and addressed to the collector. The collector is to acknowledge the receipt of the process or order on the day on which he may receive it, by a letter addressed to the register* of the court by which it may have been served.

Collectors allowed to forward instructions to their vakeels in the courts of appeal, by the dawk, free of postage.

Instructions to be sealed and enclosed under a sealed cover, addressed to the register of the court.

Persons removed from the office of collector, and having suits depending in the City or Zillah Court, empowered to forward instructions to their vakeels by the public dawk, and through the register of the court.

Vakeels in any of the courts employed by collectors under this Regulation, empowered to forward papers to their constituents free of postage, through the register of the court in which the cause may be depending.

XLV. To facilitate the communication between the collector and the vakeels in *the Provincial Court of Appeal and* the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any appeals (including appeals from decisions in the suits described in Section XXXIX.) in which the collector may be engaged under this Regulation, either whilst he may continue in the office of collector of the district in which the suits may have arisen or after his removal from the office, the collector is permitted to forward, free of postage, any instructions regarding such appeals, which he may have to transmit to the vakeels of those courts. The instructions are to be enclosed under cover, sealed and directed to the vakeel. The instructions, so sealed and directed, are to be transmitted under a sealed cover, addressed to the register* of the court in which the cause may be depending, and superscribed with the name and the official apellation of the collector, or that which he bore when the cause of action arose. The register* of the court, immediately upon receiving the instructions, is to deliver them sealed to the vakeel to whom they may be directed. Any person who may be removed from the office of collector of the province, and who may have a suit or suits depending in the Dewanny Adawlut of the city or any zillah, after his removal from the office, is likewise empowered to forward instructions to his vakeel, respecting such suit or suits, through the register* of the court. In like manner the vakeels in any of the courts to whom the pleading of suits may be committed under this Regulation, by persons holding the office of collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers by the public dawk, free of postage. The papers are to be enclosed in a cover, sealed with the seal of the vakeel; and the register* of the court is to transmit the papers so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribe the cover with his official signature.

Sums advanced as tuccavy or poolbundy, &c. to be recovered under this Regulation in the same manner as arrears of revenue.

XLVI. Arrears of tuccavy, or any money advanced by Government to proprietors or farmers of land, for making or repairing embankments, reservoirs, or water-courses, or other improvements to their estates or farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions as far as they may be applicable.

See Cl. 6, Sec. v. Act I 1845.

* The office of register, except of the Sudder Adawlut, has been abolished.

XLVII. No collector is to be liable to prosecution for any official acts of his predecessor. But persons who may be removed from the office of collector of the revenue of the province are to carry on, in the same manner as if they had continued in the office, all suits of the nature of those described in Section XXXIX. in which they may be engaged, and all suits preferred against them in the City or any Zillah Court, for sums that they may have demanded or received on behalf of Government, and for the costs and damages in which they are declared eventually answerable; as well as all suits, being appeals from decisions in suits of the last-mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party, in consequence of orders from the Board of Revenue.

Collector not to be liable to prosecution for the acts of his predecessors. What suits persons removed from the office of collector are bound to prosecute or defend after their removal.

XLVIII. If the collector of the province of Benares shall die or be removed from his office, his successor is to carry on all unfinished process or suits in the Courts of Dewanny Adawlut, directed by this Regulation to be conducted by the vakeel of Government and at the public expense; and all appeals from the decrees of the City Court, or the Zillah Courts, *or the Provincial Court of Appeal*, in such cases; as also all appeals from the decrees of the City and Zillah Courts, *or the Provincial Court of Appeal*, in which the former collector may have been engaged in consequence of orders from the Board of Revenue, and which are directed to be pleaded by the vakeel of Government and at the public expense.

Collector to carry on the unfinished suits and process herein specified, which may have been instituted under his predecessors.

XLIX. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor-General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any appeal in the Sudder Dewanny Adawlut, which a collector may prefer or be engaged in pursuant to their orders, intsead of leaving the superintendence of the appeal to him.

Cases in which the Board of Revenue are to take upon themselves the prosecution or defence of appeals in the Sudder Dewanny Adawlut.

L. If the lands subject to the payment of revenue to Government belonging to any defaulting proprietor or farmer of land, or any surety or purchaser of land, which may be sold under this Regulation, shall not produce a sum sufficient for the liquidation of the public demand, any other real or personal property which the defaulter may possess is to be *attached and* sold to make good the deficiency, under the same rules as his lands subject to the payment of revenue to Government are directed to be sold, as far as those rules may be applicable to such property. And if any property shall be *attached and* ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or otherwise, he is nevertheless to be held responsible for all expenses that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place, and in the event of his omitting to discharge the amount, it is to be levied by the same process as the demand for which the property originally ordered to be sold may have been directed to be levied.

If the proceeds of the sale of the malguzarry lands of any defaulter are not equal to the demand against him, his other property to be sold to make good the deficiency.

See note at beginning.

Expenses attending the attachment of property ordered to be sold, but the sale of which may be countermanded, to be defrayed by the proprietor.

Modified by Reg. II. 1814, and Sec. v. Reg. XIII. 1829.

LI. If a proprietor or farmer, or a surety, or a purchaser of land, shall deem himself aggrieved under this Regulation by any act which may be done by the collector, in conformity to special orders from the Governor-

City and Zillah Courts how to proceed, in cases in which persons may dispute the validity of

the engagements under which demands may be made upon them by the collector, or have any objections to make to the engagements, either wholly or partially, under this Regulation, or deem themselves aggrieved by acts done by the collector in conformity to special orders from the Governor-General in Council or the Board of Revenue.

General in Council or the Board of Revenue, or if the collector shall demand a sum of money under this Regulation, on behalf of Government, from any of the above-mentioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations under which the collector may make the demand, but deny their validity, or have any objections to make to them, either wholly or in part, under any Regulation passed by the Governor-General in Council and printed and published in the manner prescribed in Regulation XLI. 1793, the collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements or stipulations, which are to be held valid until they are set aside or altered by a final judicial decision; and the proprietor or farmer of land, or surety, or purchaser of land, is to discharge the demands that may be made upon him by the collector under such engagements or stipulations, until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor or farmer of land, or the surety or purchaser, is to present a petition to the judge of the Dewanny Adawlut of the city or zillah in which the cause may be cognizable, stating his objections to the act, or to the engagements or stipulations, and praying that the Governor-General in Council will order the Dewanny Adawlut of the city or zillah to try the points or matters contested under the Regulations. The judge to whom the petition may be presented is to forward it immediately to the Governor-General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable to proceed to the trial of it. If the Governor-General in Council shall order the cause to be tried, the judge of the court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The collector is to carry on, under the orders of the Board of Revenue, all suits that may be instituted against Government in conformity to this section, and to issue the necessary instructions to the vakeel of Government in the City or Zillah Court, and in the *Provincial Court of Appeal or the* Sudder Dewanny Adawlut, should the cause be appealed to *the former, or both of those courts.* In the event of Government being cast in the City or Zillah Court, or in the *Provincial Court of Appeal*, the collector is to send copies of the decree and proceedings of the court (which are to be delivered by the court to the collector as soon as may be practicable upon his applying for them), with a letter stating his objections to the decision, to the Board of Revenue, who are to submit them, with their opinion on the case, to the Governor-General in Council, who will order an appeal to be preferred from the decision or not, as he may deem advisable. All costs and damages that may be awarded against Government in suits instituted under this section are to be defrayed from the public treasury.

Modified by Reg. II. 1814, and Sec. v. Reg. XIII. 1829.

Rules in this Regulation regarding the collector to be held applicable to the acting collector.

LII. The rules respecting the collector contained in this Regulation are to be considered equally applicable to the assistant to the collector, or any other person who may be appointed by the Governor-General in

Council to officiate as collector during the temporary absence of the collector, or whilst the office may be vacant.

LIII. No part of this Regulation is to be construed to authorize the confinement of the person of any joint proprietor of an estate committed to the charge of a manager (as is now the case with certain estates in the pergunnah of Kerenda) whilst such manager remains responsible. Nor to empower the collector to take a female proprietor of land into custody, or order any such proprietor to attend him in person, under any pretext whatever.

Joint proprietors of estates committed to the charge of a manager, not to be confined under this Regulation for demands of Government.

A. D. 1795. REGULATION VII.

Reg. VII. 1795.

A REGULATION *for establishing a Court of Dewanny Adawlut, or Court of Judicature for trying civil Suits, in the first Instance, at the City of Benares, and at Mirzapore, Ghazeepore, and Juanpore, in the Province of Benares, and for defining the Jurisdiction and Powers of those Courts:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE Governor-General in Council being solicitous to extend to the inhabitants of the province of Benares, including those who resort to it through religious motives, the same security for the enjoyment of the privileges and immunities which have been conferred upon them, as is experienced in similar respects by the inhabitants of the provinces of Bengal, Behar, and Orissa, and to ensure to them equal protection with regard to their persons and property, he has determined, on the grounds which induced him to new model the constitution of the Courts of Judicature in those provinces, as stated in the preamble to Regulation III. 1793, to abolish the Courts of Judicature in the province of Benares now superintended by native judges (which were originally established with a view to the introduction of a more perfect system of administering the laws), and in lieu of them to erect courts for the trial of civil suits in the first instance, constituted upon the same principles, and vested with the same powers, as the City and Zillah Courts in the three provinces above mentioned. The following rules have been accordingly enacted.

II. *First.* A Court of Dewanny Adawlut, or Court of Judicature for the trial of civil suits in the first instance, shall be established in the city of Benares, and at Mirzapore, Ghazeepore, and Juanpore, and each court shall be denominated after the city or zillah in which it may be established as follows:

Courts of Dewanny Adawlut to be denominated after the city or zillah for which they are respectively established.

Second. The Court of Dewanny Adawlut to be established in the city of Benares shall be denominated "the Court of Dewanny Adawlut for the city of Benares."

Benares.

Third. The courts of Dewanny Adawlut to be established at Mirzapore, Ghazeepore, and Juanpore, are to be respectively denominated "the

Mirzapore, Ghazeepore, Juanpore.

Court of Dewanny Adawlut for the zillah of Mirzapore, Ghazeepore, and Juanpore."

The City, and each of the Zillah Courts, to be superintended by one judge.

Oaths to be taken by the judges of the City and Zillah Courts.

III. The City Court and each Zillah Court is to be superintended by one judge, who, previous to entering upon the execution of the duties of his office, is to take and subscribe before the Governor-General in Council, or any person whom he may commission to administer it, an oath similar to that prescribed to the judges of the City and Zillah Courts in the provinces of Bengal, Behar, and Orissa, by Section III. Regulation III. 1793.

See Sec. ii Reg. VIII. 1833

See Sec. iii Reg. III. 1829, and Act XXI. 1837.

Special jurisdiction of the City and Zillah Courts.

Jurisdiction of the City Court.

IV.* *First.* The special jurisdiction of the City Court and each Zillah Court is declared to be as follows:

Second. The jurisdiction of the Dewanny Adawlut of the city of Benares is to extend throughout the under-mentioned places:

The city of Benares and its suburbs.

Those small divisions of territory contiguous to the city, known by the names of the talooks of Jalhoopoor and Lhota, together with Chetaypoor, the amanut mehals, and Teekree.

The pergunnahs of Sheopoor, Kutteher, and Kuswar, as far as regards the divisions of it called Gungapoor, Kurowna, and Jukhnee, and Soorye Kerowte.

The pergunnahs of Atgowan or Hurhood, Ralhoopoor, Dhoos, and Mohwy and Mehwary.

Jurisdiction of the Zillah Court of Mirzapore.

Third. The jurisdiction of the Dewanny Adawlut for the zillah of Mirzapore is to extend throughout the under-mentioned places:

The mundovee or mart of Mirzapore, and the limits thereof.

The pergunnah of Kuntit, consisting of its three tuppahs of Chowrassy Chehanovy, Ophrowdo, and Kone.

The talook of Suktesghur.

The pergunnahs of Burhur Agowrie, Bejehghur, Budhoee, Havily Chunar, Bhugwut or Putteeta, and Kureeat Sekhur.

The talook of Mujehwa.

The pergunnahs of Ahroura, Bhoilee, and Kera Mungrore.

Jurisdiction of the Zillah Court of Ghazeepore.

Fourth. The jurisdiction of the Dewanny Adawlut of the zillah of Ghazeepore is to extend throughout the under-mentioned places:

The town of Ghazeepore and its limits.

The pergunnahs of Havily Ghazeepore, Zemanea, Chownsa, Burreh, Mehayeh or Mehaitch, Bhurwul, Mujehwar, Nerwun, Beleeah, Syedpoor, Betree, Sekunderpoor, Khereed, Kopachet, Mahommedabad, Gurha and Dehma, Zehoorabad, Pachoter, Shadeeabad, Behreeabad, Kurrendeh, Luknesr, and Khanpoor.

The talooks of Cheet and of Feerozpoor.

Jurisdiction of the Zillah Court of Juanpore.

Fifth. The jurisdiction of the Dewanny Adawlut of the zillah of Juanpore is to extend throughout the following places:

The town of Juanpore and its limits.

The pergunnahs of Havily Juanpore, Angoolee, and Raurce, including the talook of Budlapoor.

The talooks of Kereeat Mehra, Dowst, Singramow, Chundwuck or Dobehee, Sreemoo Pessara, and Shah Gunge.

* Act XXI. 1836, empowers the Governor-General in Council to alter the limits of existing zillahs.

The other talooks included under the general denomination of the Mehalat Bukhsheeat.
The pergunnah of Pundraha.
The tuppeh of Guzara.
The pergunnahs of Kerakut, Gurwara, Muchlee Sheher or Ghessooa, Mongra, and Mureeahoo.
The talooks of Bursuttee and Gopalapore.
The pergunnahs of Bealsee and Kola-asla.
The talooks of Dowrooa and Bynsadeoray.

Sixth. The local jurisdiction above assigned to the City Court and to the three Zillah Courts, is to be subject to such alteration as the Governor-General in Council may occasionally judge expedient.

The local jurisdiction of the courts liable to be altered by Government.

V. The rules prescribed in Section V. Regulation III. 1793, to the City and Zillah Courts in the provinces of Bengal, Behar, and Orissa, are hereby declared to extend to the City Court, and the three Zillah Courts in the province of Benares.

Section v. Regulation III. 1793, extended to the City and Zillah Courts in Benares.

VI. The City Court and the three Zillah Courts are each to use a circular seal, one inch and three-quarters in diameter, with an inscription to the following effect, in the Persian language and character, and the Hindostanee language and Nageree character: "The seal of the Dewanny Adawlut of the city (or zillah) of ———." The seal of each court is to remain in the custody of the judge.

Seals of the courts.

Seals to remain in the custody of the judges.

See Reg. II. 1805.

VII. The jurisdiction, powers, and authorities, vested in the Zillah and City Courts in the provinces of Bengal, Behar, and Orissa, by Sections VII. VIII. *IX.* X. XI. XII. XIII. Regulation III. 1793, are hereby vested in the City Court and the three Zillah Courts in Benares, and the rules contained in those sections are to be considered equally applicable to the province of Benares as to the provinces of Bengal, Behar, and Orissa.

Sections vii. viii. ix. x. xi. xii. xiii. Regulation III. 1793, extended to Benares.

See Reg. II. 1805.

VIII. The City Court and the three Zillah Courts are prohibited hearing, trying, or determining the merits of any suit whatever against any person or persons, to regain the possession of lands or grounds, if the cause of action shall have arisen previous to the 1st of July, 1775, or any suit whatever against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it; unless the complainant can show, by clear and positive proof, that he demanded the money or matter in question, and that the defendant admitted the truth of the demand, or promised to pay the money, or that he directly preferred the claim within that period for the matter in dispute to a court of competent jurisdiction, or to the Hakim ul Wukt, or person having authority, whether local or otherwise, for the time being, to hear such complaints, to try the demand, and assign satisfactory reasons to the court why he did not proceed in the suit, or show that, either from minority or other good and sufficient cause, he was precluded from obtaining redress. But from this rule are excepted all claims founded on bonds which shall have been in a course of payment by instalments, or of which any proportion shall have been paid within twelve years previous to the

Courts not to try the merits of any suit for lands or grounds, where the cause of action shall have arisen before the 1st of July, 1775; nor any suit where the cause of action shall have arisen twelve years before a suit or suits shall have been commenced for it.

Exceptions to the rule.

Further exceptions in respect to bonds and to mortgages.

institution of the suit; and also all claims on mortgages, the period for rendering which obsolete and unactionable is to be determined by the law of the religion of the defendant.

Decrees not to be given for sums of money on bond which may be entered into after the 1st July, 1795, which may not have been executed in the presence of two credible witnesses, unless the sum or a valuable consideration shall be proved to have been given.

Cases to which this restriction is not to extend.

IX. The City Court and the three Zillah Courts are prohibited decreeing the payment or satisfaction of any sum due on a tamassook or bond, which may have been entered into after the 1st of July, 1795, unless the bond shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond, or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this section is not to extend to any bills of exchange, receipts, or notes of hand, in the determination on which the custom of the country is to be abided by; nor to the dealings and money transactions amongst mehajuns and shroffs, in which the established customs observed and in force amongst them are to be adhered to by the courts in their inquiries and decisions.

Judges not to entertain suits which may have been decided by any former judge, or superintendent having competent jurisdiction.

Doubts respecting the competency of the former jurisdiction to be submitted to the Sudder Dewanny Adawlut.

X. The City Court and the three Zillah Courts are prohibited entertaining any cause which, from the production of a former decree or the records of the court, shall appear to have been heard and determined by any former resident, acting resident, or native hakim or superintendent of a court having competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the judge is to report the circumstances to the Sudder Dewanny Adawlut and wait the instructions of that court.

Sections xviii. xix. xxi. Regulation III. 1793, extended to Benares.

XI. The rules prescribed to the City and Zillah Courts in Bengal, Behar, and Orissa, in Sections XVIII. XIX. XXI. Regulation III. 1793, are hereby declared to extend to the City Court and three Zillah Courts in Benares.

XII. [Appeals from the Zillah to the Provincial Court.]—*Superseded by the abolition of the Provincial Courts.*

Reg. VIII. 1795.

A.D. 1795. REGULATION VIII.

A REGULATION *for extending to the Province of Benares, with Alterations and Modifications, Regulation IV.* 1793, *entitled "A Regulation for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad;" and for exempting the Rajah of Benares and the Baboos of his Family, and certain Bankers, when Defendants, from giving the Security required from other Defendants:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE rules for receiving, trying, and deciding suits or complaints, prescribed to the Courts of Dewanny Adawlut in the cities and zillahs in

the provinces of Bengal, Behar, and Orissa, by Regulation IV. 1793, being, with certain alterations and modifications, considered equally applicable to the Courts of Dewanny Adawlut established in the city of Benares, and in the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor; and it having been deemed advisable, from respect to the Rajah of Benares, to exempt him and the baboos of his family, when defendants in any suit, from giving the security required from other defendants; and it having been thought proper to grant a similar privilege to certain bankers, in consideration of the long-established credit and responsibility of their houses; the following rules have been enacted.

Regulation IV. 1793, extended to Benares, with alterations and modifications.

II. The rules contained in Regulation IV. 1793, for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Dewanny Adawlut established in the several zillahs, and in the cities of Patna, *Dacca*, and Moorshedabad, in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for receiving, trying, and deciding suits or complaints, declared cognizable in the Courts of Dewanny Adawlut established in the city of Benares, and in the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, with the following alterations and modifications.

Rule substituted in lieu of Sec. xv.

By what law the suits herein described are to be decided.

III. *First.* The following rule is substituted in lieu of Section XV.

Second. In suits regarding succession, inheritance, marriage, and caste, or other religious usages or institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions. [*In causes in which the plaintiff shall be of a different religious persuasion from the defendant, the decision is to be regulated by the law of the religion of the latter; excepting where Europeans, or other persons, not being either Mahomedans or Hindoos, shall be defendants, in which cases the law of the plaintiff is to be made the rule of decision in all plaints and actions of a civil nature.*] The Mahomedan and Hindoo law officers of the courts are to attend to expound the law of their respective persuasions, in cases in which recourse may be required to be had to it.

Rescinded by Sec. viii. Reg. VII. 1832, which substitutes the rules in Sec. xv. Reg. IV. 1793. See also Act XXI. 1850.

Where parties in suits are of different persuasions, the court is to be guided by the law of the defendant. Exception.

Rule in the following clause substituted in the room of Sec. ix.

IV. *First.* The rule contained in the following clause is substituted in lieu of Section IX.

Explained by Secs. iii. and iv. Reg. LVIII. 1793.

Copies of decrees regarding malguzarry land to be furnished by the courts to the collector and the Board of Revenue, for keeping complete the quinquennial register of lands.

Second. That the quinquennial register of landed property paying revenue to Government, directed to be kept by Regulation XIX. 1795, may be complete, the City Court and the Zillah Courts are strictly enjoined to transmit to the collector of Benares and to the Board of Revenue, a copy of every decree that they may pass, or which may be sent to them to be enforced by the *Provincial Court of Appeal or the* Sudder Dewanny Adawlut, regarding any talook, or zemindarry, or putteedarry, distinct or common, or other lands paying revenue immediately to Government, or in any wise concerning the possession of such land. The judge is to transmit the copy of the decree within ten days after he may pass or receive it. The decree is to be attested with the signature of the judge and the seal of the court, and is to be accompanied with a short abstract of it, specifying the date of the decree, the names of the pergunnah or pergunnahs, the talook or talooks, the turf or turfs, the village or villages, or the kis-

What the abstract is to contain.

muts or portions of each, which may be decreed, the name or names of the person or persons last in possession, the person or persons to whom the lands may be decreed, and if the land be decreed to two or more persons, the shares awarded to each person.

Rate of tullubana to be exacted in lieu of that specified in Section xx.

Third. Peons deputed to serve summonses or execute process are to receive two annas per day each, instead of the rates specified in Section XX.

What officers the courts are to order to take charge of land adjudged forfeited under Section xxii.

V. Where decrees of forfeiture may be ordered to be executed, as specified in Section XXII., the court by which the decree is to be executed is, in all cases, in the precept directed to be issued to the collector, to require him to order the nearest tehseeldar, or other officer who may be employed under him in the business of the collections, to take charge of the lands.

Rule substituted in lieu of Section xxiii.

How lands forfeited under Section xxii. are to be disposed of.

VI. *First.* The following rule is substituted in lieu of Section XXIII.

Second. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXII., it shall be at the option of the Governor-General in Council either to confer the rights which the offender possessed in the lands, on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the land forfeited and to pay the fixed public revenue assessed upon them, or if the property forfeited be a common or distinct putteedarry, the revenue payable from it to the principal proprietor or proprietors, or to the pottah-holder or pottah-holders in whose pottah it may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited, in [*Regulation XX.* 1795].*

Modified by Sec. iii. Reg. IX. 1799.

* Substituted Act IV. 1846.

Collector to proceed against farmers whose leases may be annulled under Sec. xxiv. and their sureties, for arrears, in the manner specified in Regulation VI. 1795.

How the offender is to recover arrears due to him in the farm.

VII. The collector is to proceed against farmers whose leases may be annulled under Section XXIV. and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regulation VI. 1795, instead of Section XX. Regulation XIV. 1793, as directed in the first-mentioned section, for the recovery of balances due from farmers whose leases may be adjudged annulled in consequence of their having resisted the process of the collector or their sureties. The offender is permitted to prosecute in the Dewanny Adawlut in the jurisdiction of which the farm may be situated, the talookdars, zemindars, putteedars, distinct and common, under-farmers, and ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Rules respecting resistance to the process of the Zillah Courts to be considered equally applicable to resistance to the process of the City Court.

VIII. The rules prescribed in Regulation IV. 1793, and this Regulation, regarding proprietors of land, whether zemindars, talookdars, or putteedars, distinct or common, or farmers of land holding farms immediately of Government, or other persons resisting, or causing to be resisted, any process, rule, order, or decree of a Zillah Court, are to be considered equally applicable to any such persons who may resist, or cause to be resisted, any process, rule, order, or decree of the Dewanny Adawlut established in the city of Benares.

IX. The rules, orders, and other process of the City and Zillah Courts, in the province of Benares, are to be written in the same languages and characters as the rules, process, and orders of the courts in the province of Behar.

Languages and characters in which the process of the courts is to be written.

X. On a written complaint being preferred, in the manner specified in Section V. Regulation IV. 1793, either against the Rajah of Benares or against any of the principal mehajuns of the city of Benares, being such as are known under the denomination of Nowputty, or against any of the baboos (being persons of the rajah's blood and family), the security required from defendants in the said section shall not be demanded of them; but the court is merely to issue a notice to such defendants, containing a short account of the nature of the demand, and fixing a day for him or them to appear, either in person or by vakeel duly authorized, to answer to the claim; and in case of his or their failing to appear as required, or to conform to all the subsequent established process in the cause, such defendant or defendants shall forfeit the honorary privilege hereby reserved to them, and be dealt with in all respects as other unprivileged defendants. This privilege, however, is to be construed to extend only to the cases above specified, in which such persons may be defendants in the City Court or the Zillah Courts, and to suits which may be directed to be tried in the first instance in the *Provincial Court of Appeal or the* Sudder Dewanny Adawlut, pursuant to orders from the Governor-General in Council, *or in the Provincial Court of Appeal, in conformity to directions from the Sudder Dewanny Adawlut*, and not to any cases of appeal in which, whether the appeal be lodged in the Provincial Court of Appeal or the Sudder Dewanny Adawlut, the said persons are to give the same securities as other persons concerned in appeals in those courts.

Cases wherein defendants are not to be called on for security in cases tried before the City and Zillah Courts.

A.D. 1795. REGULATION IX.

Reg. IX. 1795.

A REGULATION *for establishing a Provincial Court of Appeal in the Province of Benares, for hearing Appeals from Decisions passed in the City Court and the Zillah Courts in that Province, and defining its Powers and Duties, and prescribing Rules for receiving and deciding upon Appeals, and other Causes of which it is declared to have cognizance:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE jurisdiction of the Courts of Dewanny Adawlut established in the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, being now extended not only to the causes relative to matters of revenue which were heretofore cognizable by the resident and the aumils, but to civil suits of all descriptions between individuals, and under certain restrictions between Government and its subjects; and the reasons assigned in the preamble to Regulation V. 1793, for establishing Provincial Courts of Appeal in the provinces of Bengal, Behar, and Orissa, being in conse-

quence considered applicable to the province of Benares, the Governor-General in Council has enacted as follows.

II to V. [Establishing and fixing the limits of the Provincial Court of Appeal.]—*Superseded by the abolition of that court.*

Rules in Regulation V. 1793, from Sec. vi. to the conclusion, extended to Benares, with the alterations and modifications specified in the following sections.

VI. The jurisdiction, powers, and authorities vested in the *Provincial Courts of Appeal* for the several divisions in the provinces of Bengal, Behar, and Orissa, by the several sections of Regulation V. 1793, commencing from Section VI. to the conclusion of the said Regulation, are hereby vested in the *Provincial Court of Appeal* for the division of Benares, and all the rules in the said sections are to be considered as extending to the province of Benares, with the following alterations and modifications.

Rules respecting the resistance of the process of the court in the zillahs, to be considered to extend to similar offences committed in the jurisdiction of the City Court.

VII. The rules prescribed in Regulation V. 1793 and this Regulation, respecting any zemindar, talookdar, or other proprietor of land or farmer of land, or other person in the zillahs, who may resist, or cause to be resisted, any process, rule, order, or decree of the *Provincial Court of Appeal*, are to be considered as extending to any such person in the jurisdiction of the City Court who may be guilty of a similar offence.

See the note appended to Reg. V. 1793.

What officers the court is to order to take charge of land adjudged forfeited under Sec. xxiii.

VIII. Where decrees of forfeiture may be ordered to be executed under Section XXIII., the court by which the decree is to be executed is, in all cases, to issue a precept, under the seal of the court and the signature of the *register*, requiring the collector of the revenue to sequester the lands and collect the rents and revenues, and for this purpose to order the nearest tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands.

Rule substituted in lieu of Sec. xxiv.

How lands forfeited under Sec. xxiii. are to be disposed of.

IX. *First.* The following rule is substituted in lieu of Section XXIV.

Second. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good, under Section XXIII., it shall be at the option of the Governor-General in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the lands forfeited, and to pay the fixed public revenue assessed upon them; or if it be a common or distinct putteedarry, the revenue payable from it to the principal proprietor or proprietors, or to the pottah-holder or pottah-holders in whose pottah the land may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited, in Regulation XX. 1795.

Modified by Sec. iii. Reg. IX. 1799.

Leases annulled under Sec. xxv. to stand cancelled from the end of the Fussily year.

X. Leases of farmers finally adjudged annulled under Section XXV. are to stand cancelled from the end of the Fussily year, agreeably to the principle prescribed by that section, in similar cases, in Bengal, Behar, and Orissa.

Collector to proceed against farmers whose leases may be annulled under Sec. xxv. and

XI. The collector is to proceed against farmers whose leases may be annulled under Section XXV. and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regula-

tion VI. 1795, instead of Section XX. Regulation XIV. 1793, as directed in the first-mentioned section, for the recovery of balances due from farmers whose leases may be adjudged annulled, in consequence of their having resisted the process of the collector or their sureties. The offender is permitted to prosecute in the Dewanny Adawlut, in the jurisdiction of which the farm may be situated, the talookdars, zemindars, putteedars, distinct and common, under-farmers and ryots, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

their sureties, for arrears, in the manner specified in Reg. VI. 1795.

Modified by Sec. iii. Reg IX. 1799.

How the offender is to recover arrears which may be due to him.

XII. [Language of Provincial Courts process.]—*Superseded.*

A.D. 1795. REGULATION X.

Reg. X. 1795.

A REGULATION *for empowering the Sudder Dewanny Adawlut to receive and decide upon Appeals from Decisions of the Provincial Court of Appeal established in the Province of Benares; and for defining the Jurisdiction, Powers, and Authorities of the Sudder Dewanny Adawlut in that Province:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE establishment of the City Court, and the three Zillah Courts and a Provincial Court of Appeal, in the province of Benares, with powers nearly similar to those vested in the City and Zillah Courts and the Provincial Courts of Appeal in the three provinces of Bengal, Behar, and Orissa, rendering it necessary that the rules for receiving and deciding on appeals to the Sudder Dewanny Adawlut from the decisions of the Provincial Courts in those three provinces, with certain exceptions and alterations, should be extended to appeals to the Sudder Dewanny Adawlut from decisions passed by the Provincial Court of Appeal established in the province of Benares, and that the Sudder Dewanny Adawlut should be vested with the same jurisdiction, powers, and authorities, in the province of Benares as in the provinces of Bengal, Behar, and Orissa, the following rules have been enacted.

Rules regarding appeals from the decisions of the *Provincial Courts of Appeal* in the provinces, and the other matters specified in Regulation VI. 1793, extended to the province of Benares, with certain exceptions and alterations.

II. With the alterations and exceptions specified in the following sections, all the rules contained in Regulation VI. 1793, for receiving and deciding upon appeals from the decisions of the *Provincial Courts of Appeal,* in the several divisions in the provinces of Bengal, Behar, and Orissa, are to be considered as the rules for receiving and deciding upon appeals to the Sudder Dewanny Adawlut from the decisions of the *Provincial Court of Appeal* established in Benares, *and the jurisdiction, powers, and authorities vested by that Regulation in the Sudder Dewanny Adawlut in the provinces of Bengal, Behar, and Orissa, are declared to extend to the province of Benares.**

* Regulation VI. 1831, establishes a Sudder Court for the North-Western Provinces, in which the controlling authority over the province of Benares is now vested.—See that Regulation.

Sec. ix. and the clause of Sec. x. herein specified, not to extend to Benares.

III. The rules contained in Section IX. and the following clause in Section X. are declared not to extend to the province of Benares: and in admitting such appeals, they are to observe the caution prescribed in Clause Second, Section IX. with regard to the trial or admission of the appeals therein alluded to after the limited period.

All process of the Sudder Dewanny Adawlut in Benares to be written in the same languages and characters as in Behar.

IV. All decrees, orders, and process whatever of the Sudder Dewanny Adawlut in the province of Benares, are to be written in the same languages and characters as in the province of Behar.

Rules respecting resistance to the orders, or any process of the court in the zillahs, to be considered as applicable to the same offence committed in the jurisdiction of the City Court.

V. The rules prescribed in Regulation VI. 1793, and this Regulation, respecting any zemindar, talookdar, or other proprietor of land or farmer of land, or other person in the zillahs, who may resist, or cause to be resisted, any process, rule, order, or decree of the Sudder Dewanny Adawlut, are to be considered as extending to any such person who may be guilty of the same offence in the jurisdiction of the City Court.

What officer the court is to order to take charge of land adjudged forfeited under Section xxiv.

VI. Where decrees of forfeiture may be ordered to be executed under Section XXIV., the court by which the decree is to be executed is to issue a precept, under the seal of the court and the signature of the register, requiring the collector of the revenue to order the nearest tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands.

Rule substituted in the room of Section xxv.

How lands forfeited under Section xxiv. are to be disposed of.

VII. *First.* The following rule is substituted in lieu of Section XXV.

Second. If the decree adjudging the lands of the offender forfeited shall be confirmed or stand good under Section XXIV., it shall be at the option of the Governor-General in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or if it be a common or distinct putteedarry, the revenue payable from it to the principal proprietor or proprietors, or to the pottah-holder or pottah-holders in whose pottah the lands may be included; or to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited, in [*Regulation XX.* 1795]. Substitute Act IV. 1846.

Leases of farmers annulled under Section xxvi. to stand cancelled from the end of the Fussily year.

VIII. Leases of farmers finally adjudged annulled under Section XXVI. are to stand cancelled from the end of the Fussily year, agreeably to the principle prescribed by that section in similar cases, in Bengal, Behar, and Orissa.

Collector to proceed against farmers whose leases may be annulled under Section xxvi. and their sureties for arrears, in the manner specified in Regulation VI. 1795.

How the offender is to recover arrears due to him in the farm.

IX. The collector is to proceed against farmers whose leases may be annulled under Section XXVI. and their sureties, for the recovery of any arrears that may be due from them, in the manner specified in Regulation VI. 1795, instead of Section XX. Regulation XIV. 1793, as directed in the first-mentioned section, for the recovery of balances due from farmers whose leases may be adjudged annulled for resistance to the process of the collector or their sureties. The offender is permitted to prosecute in the Dewanny Adawlut in the jurisdiction of which the farm may be situated, the zemindars, talookdars, putteedars, distinct or com-

mon, under-farmers, and ryots, in the lands included in the farm for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Power vested in the Sudder Dewanny Adawlut to order claims to be tried, although they shall have originated more than twelve years previous to any suit being commenced on account of them.

X. The Court of Sudder Dewanny Adawlut is vested with a discretionary power, similar to that formerly exercised by the resident, as judge of the Court of Appeal which existed in the province of Benares previous to the abolition of the residency, of dispensing with that part of Section VIII. Regulation VII. 1795, which prohibits the courts from taking cognizance of any claims, where the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it, and to issue a precept to the proper court to take cognizance of the suit. The court are to record their reasons for every exercise of this power.

See Reg. II. 1805.

A.D. 1795. REGULATION XI.

Reg. XI. 1795.

A REGULATION *for extending, with Modifications, to the Province of Benares, Regulation XII.* 1793, *entitled "A Regulation for the Appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature," and for appointing a Pundit or Pundits to the Provincial Court of Circuit for the Division of Benares, to expound the Hindoo Law in certain Cases cognizable by that Court:* PASSED *by the Governor-General in Council, on the* 27*th March*, 1795.

I. THE Governor-General in Council having deemed it advisable, on grounds similar to those stated in the preamble to Regulation XII. 1793, for the appointment of the Hindoo and Mahomedan law officers of the Civil and Criminal Courts of Judicature in the provinces of Bengal, Behar, and Orissa, to extend the rules in that Regulation to the law officers attached to the courts in the province of Benares; and it being necessary that a pundit or pundits should be appointed to the Court of Circuit for that province, to assist the court in passing sentence in cases of dhurna, and certain other matters, in the trial of which the established custom of the province, and the Regulations founded on it, require that reference should be made to the laws of the Shaster, the following rules have been enacted.

Regulation XII. 1793, extended to the province of Benares.

II. Regulation XII. 1793, is hereby extended to the province of Benares.

III. [Pundits of the Court of Circuit.]—*Superseded by the abolition of that court.*

Reg. XII. 1795.

A.D. 1795. REGULATION XII.

A REGULATION *for extending to the Province of Benares Regulation XIII.* 1793, *entitled "A Regulation for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature, and prescribing their respective Duties:"* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE rules contained in Regulation XIII. 1793, for the appointment of the ministerial officers of the Provincial Courts of Appeal and the Courts of Circuit, and the City and Zillah Courts, in the provinces of Bengal, Behar, and Orissa, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption or extortion that may be preferred against them or any private servants or dependants of the judges of the courts, being equally applicable to the officers and persons of the same descriptions in the province of Benares, the following rule has been enacted:

Regulation XIII. 1793, extended to Benares.

II. Regulation XIII. 1793 is hereby extended to the province of Benares.

Reg. XIII. 1795.

A.D. 1795. REGULATION XIII.

A REGULATION *for extending to the Province of Benares Regulation VII.* 1793, *entitled "A Regulation for the Appointment of Vakeels or Native Pleaders in the Courts of Civil Judicature in the Provinces of Bengal, Behar, and Orissa," with an Alteration, exempting the Rajah of Benares and the Baboos of his Family, and certain Bankers, when Plaintiffs or Defendants, from giving the Security for the Payment of the Fees of the Vakeels required from other Plaintiffs and Defendants:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Rescinded by Section II. Regulation XXVII. 1814.]

Reg. XIV. 1795.

A.D. 1795. REGULATION XIV.

A REGULATION *for extending to the Province of Benares Regulation XLIX.* 1793, *entitled "A Regulation for preventing Affrays respecting disputed Boundaries," and for applying the Rules in that Regulation to Disputes regarding Tanks or Reservoirs, Wells, and Water-courses in the Province of Benares:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Repealed by Section I. Act IV. 1840.]

A.D. 1795. REGULATION XV.*

Reg. XV. 1795.

A REGULATION *for extending to the Province of Benares Regulation XVI. 1793, entitled "A Regulation for referring Suits to Arbitration, and submitting certain Cases to the Decision of the Nazim," with the Exception of Section X.; and for referring certain Cases to the Decision of the Rajah of Benares:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. PREVIOUS to the establishment of courts of justice in the province of Benares, individuals in general were under the necessity of having recourse to arbitration, for the adjustment of the differences occasionally arising between them in respect to matters of property; and the same mode of adjustment has since been prevalent in the province, the parties in suits before the courts often agreeing to submit to the award of a certain number of their neighbours or other persons, and the award, when confirmed by the court, becoming a decree of the court. The Governor-General in Council being desirous to promote the reference of disputes of certain descriptions to arbitration, and having deemed it proper to submit certain cases to the decision of the rajah, the following rules have been enacted.

Regulation XVI. 1793, with the exception of Sec. x. extended to Benares.

II. Regulation XVI. 1793, with the exception of Section X., is hereby extended to the province of Benares.

Cases to be referred to the rajah.

III. *First.* In the event of any complaints being preferred to the City Court or to any Zillah Court, *or to the Provincial Court of Appeal,* relative to undue exactions of revenue, or any breach of agreement in respect to pottahs, or the resumption of kishnarpun, or other description of lands exempted from the payment of revenue, in the jaghire mehauls of Budhooe or of Kera Mungrore, or in the rajah's hereditary zomindarry of Gungapore, the complaints are not to be taken cognizance of in the courts of justice, but the parties are to be desired to make application to the rajah or to his dewan; and in case of their not obtaining justice, they are to have recourse to the collector, who will proceed to bring such causes to a just and equitable termination, in the manner stated in the under-specified article of an agreement concluded by the resident with Rajah Mahipnarain, under date the 27th of October, 1794. An option, however, is reserved to the persons deeming themselves injured, to prefer their applications for redress in the first instance to the collector, who in all cases, by reference to and communication with the rajah and his officers, is to cause substantial justice to be rendered to the parties.

Article of agreement.

Second. Article Third of an agreement concluded by the resident at Benares with Rajah Mahipnarain, under date the 27th October, 1794. "In case of complaints relative to revenue causes or charity ground, &c. being preferred to the huzoor (i. e. the English Government) by any parties

* By Regulation VII. 1828, special rules are enacted for the revenue and judicial administration of the mahals forming the jaghire of the rajah.

residing within the jaghire and altumgah, &c., the personal or private lands of Rajah Mahipnarain Sing, the inquiry thereinto shall be made in like manner as such cases were amicably conducted between Mr. Duncan and the rajah; that is, that since the gentleman holding the station of collector will have more concern and connection with such matters than the other gentlemen, the rule shall be, that with the privity and ascertainment of the said collector (who is to have regard to the honour and dignity of the said rajah), such causes are to be settled through the channel of the said rajah, or of the officers of the said rajah's cutcherry; it being at the same time understood and provided, that as it is a duty incumbent on the Honourable Company's Government to distribute and ensure the attainment of justice to all the inhabitants of Benares, should it so happen, that after referring such complaints to the rajah or to his officers in the cutcherry, the contentment of the parties complaining and aggrieved shall not be obtained, the rajah shall, relative to the adjustment of such causes, listen to and approve of the suggestions and advice of the collector, in like manner as hath been practised in the time of Mr. Duncan; and it is also incumbent on the said collector, in all proper and just cases, to show the utmost attention possible to the rajah's accommodation, and to hold in view the maintenance of his honour and dignity, such being entirely consistent with the wishes of Government; and if (which God forbid) any such subject should arise as cannot be settled between the said collector and the rajah aforesaid, the decision in such case shall depend on the Governor-General in Council.

Reg. XVI. 1795.

A.D. 1795. REGULATION XVI.*

A REGULATION *for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors in the Province of Benares; for enabling one of the Judges, in his Capacity of Judge of the Provincial Court of Appeal, to transact certain Parts of the Business of that Court, whilst the other two Judges, as Judges of Circuit, are making the Circuits; and for providing against the Absence or Indisposition of any of the Judges or their Law Officers, and against Vacancies in the Judicial or Law Appointments:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. IN the year 1781, a court of justice vested with criminal jurisdiction was established for the city of Benares; and in the year 1788, courts with similar powers were erected in the towns of Ghazeepoor, Juanpoor, and Mirzapoor. The Governor-General in Council vested the resident at Benares with authority to superintend, revise, and sanction the proceedings of these courts, and those of the Moolky Foujdarry Adawlut, or General Criminal Court established for the province, exclusive of the

* See Regulation IX. 1793, and the notes appended thereto.

city and towns above mentioned, as specified in Regulation XXII. 1795. The resident was likewise authorized to exercise the powers of magistrate throughout the province, with authority to apprehend offenders and to commit them to the Criminal Courts for trial. The Governor-General in Council having deemed it advisable to appoint British magistrates to keep the peace of the province and to establish a Court of Circuit for the trial of offenders, constituted on principles similar to the Courts of Circuit erected in the provinces of Bengal, Behar, and Orissa, and it being necessary that provisions should be made for the transaction of certain parts of the business of the Provincial Court of Appeal whilst the judges of circuit are making the periodical gaol deliveries, and also for the absence or indisposition of any of the judges or their law officers, or vacancies in the judicial or law appointments, the following rules have been enacted.

Judges of the City and Zillah Courts to be magistrates.

Oath to be taken by the magistrates.

See notes to Sec. ii. Reg. IX. 1793.

II. *The judges of the Courts of Dewanny Adawlut established in the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor,* are vested with the powers of magistrate. Previous to entering upon the execution of the duties of the office, they shall take and subscribe the oath prescribed for the magistrates of the cities and zillahs in the provinces of Bengal, Behar, and Orissa, in Section II. Regulation IX. 1793.

Special jurisdiction of the magistrates.

III. The special jurisdiction of each magistrate shall extend throughout the limits of his civil jurisdiction.

Rules in Regulation IX. 1793, from Sec. iv. to Sec. xxx. extended to Benares.

IV. *First.* The powers vested in the magistrates of the cities and zillahs in the provinces of Bengal, Behar, and Orissa, in the several sections of Regulation IX. 1793, from Section IV. to Section XXX., are hereby vested in the magistrates of the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, and all the rules contained in those sections are to be considered to extend to the province of Benares, with the following additions and modifications.

Setting fire to any house or village not a bailable offence.

Second. Setting fire to any house or village is declared to be an offence not bailable.

Rescinded by Sec. ii. Reg. VII. 1829.

Magistrate of Benares to observe the rules prescribed to the city magistrates in the other provinces, in Secs. xiii. and xxx.

Third. [*The magistrate of the city of Benares is to observe the rules prescribed to the magistrates of the cities of Patna, Dacca, and Moorshedabad, in Sections XIII. and XXX.*]

Papers in the Bengal or Hindostanee language to be accompanied with translates in the Persian language, which are to be compared by the officers of the *Court of Circuit.*

Complaints and orders upon them to be recorded in the English and Persian languages.

See Act XXIX. 1837.

Fourth. The magistrates are to accompany all papers written in the Hindostanee language and Nageree character, or the Bengal language, with a translate in Persian, in the same manner as is directed with regard to papers in the Bengal language, in the other three provinces, in Section XVI., and the translate is in like manner to be compared with the originals by the officers of the *Court of Circuit.*

Fifth. All complaints or charges, with the orders respecting them, are to be recorded in the office of the magistrate, in the English and Persian languages.

Sixth. [Rewards for apprehension of robbers.]—*Rescinded by Section XIII. Regulation XVI.* 1810.

V. to XII. [Constitution and officers of the Court of Circuit.]—*The Courts of Circuit abolished by Section V. Regulation I.* 1829, *and the duties*

transferred to session judges by Regulation VII. 1831, *and Act VII.* 1835.

XIII. to XVIII. [Jail deliveries and sessions to be held by the Court of Circuit.]—*Superseded by the abolition of the Court of Circuit.*

XIX. XX. [Jail deliveries.]—*Superseded by Section V. Regulation II.* 1804.

XXI. [Extension of Sections XIII. and XIV. Regulation VII. 1794.]—*The Regulation referred to is superseded.*

Rules in Regulation IX. 1793, from Sec. xlvii. to the conclusion, extended to Benares, with the alterations and modifications specified in the following sections.

XXII. The power vested in the *Courts of Circuit* in the several divisions in the provinces of Bengal, Behar, and Orissa, by the several sections of Regulation IX. 1793, from Section XLVII. to the conclusion of the said Regulation, are hereby vested in the *Court of Circuit* for the division of Benares, and the powers exercised by the Nizamut Adawlut,* under the rules contained in those Sections, in the several divisions in the provinces of Bengal, Behar, and Orissa, are hereby declared to extend to the province of Benares, and all the rules contained in the sections referred to in this section are accordingly declared to extend to Benares, with the alterations and modifications contained in the following sections.

XXIII. [No Brahmin to suffer capital punishment.]—*Rescinded by Section XV. Regulation XVII.* 1817.

XXIV. [Care of the jails.]—*Repealed by Act XVIII.* 1844.

Reg XVII. 1795.

A.D. 1795. REGULATION XVII.†

A Regulation *for the Establishment of an efficient Police in the Province of Benares:* Passed *by the Governor-General in Council, on the 27th March,* 1795.

I. The establishment of an efficient police in the province of Benares, being as essential towards deterring people from committing crimes as the speedy and impartial trial of offenders when apprehended, a clause was inserted in the engagements entered into by the landholders and farmers with Government, rendering them responsible, subordinately to the tehseeldars (heretofore termed aumils), for maintaining the peace, and

* A Sudder Nizamut Adawlut for the North-Western Provinces is established by Regulation VI. 1831.

† The duties and powers of tehseeldars as officers of police in the province of Benares were abolished by Sec. ii. Reg. XIV. 1807.

for apprehending all disturbers of it in their respective estates or farms, and binding them not to harbour thieves or robbers, but to secure their persons and deliver them up for trial, as well as to recover, or in failure thereof to make good the value of, all property robbed or stolen within their several boundaries. And, in like manner, as each proprietor or farmer entered into such engagements as far as regarded the limits of his own estate or farm, so each tehseeldar executed similar engagements with Government for the entire pergunnah or other division, with the charge of the police and the collection of the revenue of which he was intrusted; containing, however, a provision entitling him to have recourse, for his own indemnification, to the landholder or farmer within whose limits a loss by theft or robbery might occur. But the parties thus made responsible having represented, that robberies and thefts committed on beoparries and others were often perpetrated in consequence of their stopping and remaining during the night, with their cattle and goods, in the open fields or woods, instead of putting up in the villages and giving notice of their arrival, so as to admit of their security being duly attended to, it was provided by a general notification issued by the resident on the 29th of January, 1789, that no person should be entitled to restitution or indemnification by the aumils, landholders, or farmers, for losses by theft or robbery committed at night in the open fields or woods, and that restitution or indemnification should be claimable only in cases in which the owners of the property had put up at some town or village, and given notice of their arrival. But it having been subsequently considered, that it was the duty of the aumils and the landholders and farmers, to have information conveyed to them of the arrival of merchants and travellers within their respective limits, and to provide for their security and protection, and it having appeared improbable that travellers and merchants in general would be apprized of the requisition for their giving notice of their arrival at a town or village, it was deemed inconsistent with the principles of justice, that any omission in this respect, on their part, should be allowed to exempt the aumils, landholders, or farmers, from making good any losses they might sustain by theft or robbery. It accordingly became an established principle throughout the province, that for night robberies in the open roads or woods, the tehseeldars, landholders, and farmers, were not to be held responsible, unless it should be proved that they had such knowledge of the circumstances as might reasonably have been expected to have enabled them to have prevented the theft or robbery; but that for thefts or robberies committed in inhabited places they were liable to be made responsible, whether notice of the arrival of the parties should have been given to them or not, if, under the circumstances of the case, the magistrate should be of opinion that the perpetration of the theft or robbery was committed with their connivance, or was ascribable to their want of due care and vigilance. In conformity to the above principles, and for the establishment of an efficient police in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, the following rules have been enacted.

See Sec. xxxiii. Reg. XX. 1817.

Police to be under the joint charge *of the tehseeldars and* of the landholders and farmers.

II. The police of the country, subject to the control of the magistrates, is to be considered under the joint charge [*of the tehseeldars, and subordinately to them,*] of the landholders and farmers of land, who are bound to and

responsible for the preservation of the peace. The guard of the Deccan road to Mirzapoor is entrusted to certain persons paid from the custom-house establishment, who are responsible for all losses by theft or robbery committed within their limits, according to the engagements which they have executed.

Tehseeldars, landholders, and farmers, to be held responsible for robberies in the cases herein specified.

III.* *Tehseeldars*, landholders, and farmers of land, are in future to be considered responsible for robberies or thefts committed in their respective limits, estates, or farms, the *tehseeldar* in the first instance, and the landholders and farmers to the *tehseeldar*, in the manner specified in Clause Eighth, Sections XIV. and XV. Regulation II. 1795; it being understood, however, that for night robberies in the open roads or woods, the *tehseeldars*, landholders, or farmers, are not to be held responsible, unless it shall be proved that they had such knowledge of the circumstances as might reasonably have been expected to have enabled them to have prevented the theft or robbery, but that for thefts or robberies in inhabited places they are to be considered as liable to be made responsible, whether notice of the arrival of the owners of the property shall have been given to them or not, if, under the circumstances of the case, the *magistrate* shall be of opinion that the theft or robbery was committed with their connivance, or that the perpetration of it was ascribable to their want of care or vigilance.

IV. to IX. [Powers and duties of tehseeldars.]—*Rescinded by Section II. Regulation XIV.* 1807,—*and see Section II. Regulation XX.* 1817.

Tehseeldars to apprehend and send to the magistrate notorious robbers, vagrants, and suspected persons.

Rescinded by Cl. 1, Sec. ii. Reg. XIV. 1807. See Sec. xx. Reg. XX. 1817.

X. [*The tehseeldar, upon receiving information of any notorious robbers harbouring within his jurisdiction, shall apprehend them, and forward them under safe custody to the magistrate. He shall likewise apprehend and send to the magistrate all geedur mars, malachees, syr-bejuahs, or other descriptions of vagrants or suspected persons, who may be lurking about his jurisdiction, without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves.*] The magistrate shall examine on *oath* such vagrants or suspected persons, and also any persons who may have a knowledge of their usual place of residence, occupation, or mode of obtaining their livelihood; and if there shall appear to him grounds for supposing that they are disorderly or ill-disposed people, he shall employ them in repairing the public roads, or upon any other public work, until they find security for their good behaviour in case of their being discharged, or until some creditable persons shall agree to entertain them in their service, or the magistrate shall be satisfied, from their deportment whilst in his custody, or other circumstances, that they will of themselves take to some service or employment, so as to obtain an honest livelihood; in either of which cases the magistrate shall discharge them. If any person so apprehended shall make his escape from the custody of the magistrate before he is regularly discharged, and shall be re-apprehended, he shall be imprisoned and kept to hard labour for six months.

Magistrate how to proceed with vagrants and suspected persons.

Punishment for vagrants or suspected persons escaping from the custody of the magistrate.

* Prosecutions under this section are to be conducted in the civil courts, under Sec. ii. (and see Sec. iii.) Reg. VIII. 1797.

XI. to XIV. [Duties of tehseeldars.]—*Rescinded by Section II. Regulation XIV.* 1807, *and Section II. Regulation XX.* 1817.

A concurrent jurisdiction vested in the magistrates *and the police officers* of the city and zillahs, in respect to each other's local limits, and with those in Behar, in particular cases and under certain restrictions.

XV.* A concurrent jurisdiction is vested in the magistrates of the city of Benares, and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, and the magistrates in the province of Behar, *and their respective police officers*, in the cases, and under the restrictions following, viz. *the tehseeldars, darogahs, and police officers, subject to the authority of the city and zillah magistrates in the province of Benares, are severally empowered, either under a written warrant from the magistrate or without such warrant, to pursue persons charged with crimes or misdemeanors into the jurisdiction of other tehseeldars or darogahs, whether subject to the same magistrate as themselves or to the magistrate of the city, or of either of the zillahs in the province of Benares, or of any of the zillahs, or the city of Patna, in the province of Behar.* The magistrate, *tehseeldars, darogahs, police officers*, landholders, farmers, gomastahs of villages, cultivators of land, and all other persons having authority or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance in their power to the pursuing officers for the apprehension of the offenders. It is to be understood, however, that this concurrent authority vested in the magistrates and their police officers is to extend only to cases in which the crime or misdemeanor shall have been committed within their respective jurisdictions, or (in the event of the crime having been committed in any other jurisdiction) where the offender was actually within their jurisdiction when the charge against him was preferred to them. And it shall not be lawful for the magistrate, tehseeldar, or darogah, in one city, zillah, or jurisdiction, in the province of Benares or Behar, to issue a warrant for the apprehension of any offender being or residing in another city, zillah, or jurisdiction, at the time of the complaint being preferred to them, for any crime or misdemeanor not committed within the limits of their respective jurisdictions. In such cases, the complainant must apply in the first instance to the magistrate of the city or zillah, *or to the tehseeldar or darogah* in the province of Benares, or to the magistrate *or darogah* in the province of Behar, in whose jurisdiction the crime or misdemeanor shall have been committed, or in which the offender may reside or be found.

XVI. to XIX. [Duties and responsibilities of tehseeldars and police officers.]—*Rescinded by Section II. Regulation XX.* 1817.

Rescinded by Sec. ii. Reg. XIV. 1807.

Tehseeldars liable to prosecution in the Civil and Criminal Courts, for all official acts not warranted by this Regulation.

XX. If the [*tehseeldar of a jurisdiction, or*] any officer under *his* authority, shall be guilty of corruption, extortion, or oppression, or commit any act repugnant to this Regulation, the party injured is hereby permitted to prosecute him, either criminally before the *Court of Circuit* or for damages in the Dewanny Adawlut. The judges of the above-mentioned courts are required to take cognizance of all such prosecutions or suits as may be brought before them under this Regulation, and to pass such sentence or decree as may appear to them equitable, upon a consideration of the circumstances of the case.

* So much of this section as respects darogahs and other subordinate officers of police is rescinded by Clause Second, Sec. ii. Reg. XX. 1817, and see Sec. xxii. of that Regulation.

XXI. [Sunuds and a copy of this Regulation to be given to tehseeldhars.]—*Rescinded by Section II. Regulation XIV.* 1807.

Rules regarding the police of the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

XXII.* The rules contained in the following sections are prescribed for the establishment of an efficient police in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor. See Sec. xxxiv. Reg. XX. 1817

Magistrates of the city and the three towns to divide them into wards.

Each ward to be guarded by a darogah and establishment, subject to the cutwal of the city or town.

XXIII. The magistrates of the city of Benares and the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, respectively, shall divide the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and their suburbs, into wards. Each ward shall be guarded by a darogah with a proper establishment, and the darogah shall be subject to the immediate authority of the cutwal of the city or town.

Wards to be numbered and named; names and numbers of the wards not to be changed without the sanction of Government.

XXIV. The wards shall be numbered and named, and the magistrates shall not change the names or numbers of the wards, or alter their limits, without the sanction of the Governor-General in Council.

Provision regarding the security necessary to qualify a person for the office of cutwal.

XXV. No person shall be appointed cutwal of the city of Benares, or of the town of Mirzapoor, unless he shall give security for his appearance in the amount of five thousand rupees, himself in two thousand five hundred, and two responsible persons in one thousand two hundred and fifty each; nor of the towns of Ghazeepoor or Juanpoor, unless he shall give security in half of the aforesaid amount.

Rules for stationary watchmen and patrolling the city at night.

XXVI. Besides the security to be derived from the stationary day and night watchmen, who are to be stationed by the cutwal, as the magistrate may direct, at the shraub-khanas, or places appointed for the sale of spirituous liquors, and at the heads of streets and passages, and wherever there are large occasional assemblies of people, in the city of Benares and the towns mentioned in the preceding section, the jemadars of the several wards, with one-half of their establishments, shall patrol their respective wards without intermission, from sunset until twelve o'clock at night, and the darogah, with the other half of their establishments, shall patrol their respective wards without intermission, from twelve o'clock at night until daylight. The patrols are to move about as silently and with as little noise as possible, that thieves and other disorderly persons may never be apprized of their approach. The patrols of the several wards, and such part of the stationary watchmen as the cutwal shall appoint, are to be furnished with a singhara or horn, which they are to sound when they meet with robbers or other persons guilty of a breach of the peace, and have occasion to give the alarm to each other, or to the inhabitants of the ward, that they may co-operate in the apprehension of the offenders, but not otherwise. The cutwal is to be careful that the stationary watchmen, and the darogahs and their officers, perform the essential duties prescribed in this section regularly and properly, and to report to the magistrate every instance in which they may be guilty of negligence or misconduct in the discharge of them; for which purpose the

Cutwals to be careful that they are observed

* It is enacted by Sec. x. Reg. XIV. 1807, that the rules of this and the following sections shall only apply to Ghazeepoor, as far as relates to Mofussil police jurisdiction—the zillah of that name having been abolished.

cutwals themselves, or their deputies, are to go such rounds, for inspecting the conduct of all the night patrols, the stationary watchmen, and the other officers and servants in their department, as the magistrates may direct.

Mohulladar and mohulladarin to be appointed to each ward, and reports to be made by the bhutiarehs and ghaut-manjees.

Their duties.

XXVII. To assist the darogahs in obtaining the earliest intelligence of any robbers or other offenders, who may be concealed, or have taken up their residence within their respective wards, a mohulladar and mohulladarin shall be appointed to each ward, subject, however, to the orders of the darogahs, to whom they shall convey immediate information of any offenders that may be found in their respective wards. It shall also be the duty of the bhutiarehs, or persons in charge of the public serays, and of the ghaut-manjees, to deliver into the cutwally department daily reports of all arrivals and departures of travellers or other persons, to the end that thieves, robbers, and other persons of suspected character, may not be suffered to harbour, unknown to the magistrates, within their respective jurisdictions; and the dowms stationed at the ghauts of the city of Benares are to report on, and to receive the magistrate's sanction, before they proceed to burn the bodies of any Hindoos dying other than a natural death.

That of the dowms at the ghauts of the city of Benares.

Rules in respect to private watchmen entertained and paid by the inhabitants.

XXVIII. In the city of Benares there are sundry inhabited closes, or courts, with only single entrances, provided with phatucks or gateways, guarded by watchmen entertained and paid by the persons residing therein. These watchmen are to make daily reports to the darogah of their respective wards of such occurrences in the said places as may fall under the cognizance of the police; and if such watchmen be found inefficient by the magistrate, he is to appoint others in their stead; and he is to see that the inhabitants of such closes or courts pay to the watchmen the accustomed wages. The rules in this section are extended to all similar closes or courts in the towns of Mirzapoor, Ghazeepoor, and Juanpoor.

What descriptions of persons the cutwals and darogahs are to apprehend, and how they are to proceed with them when apprehended.

XXIX. It shall be the duty of the cutwals and of the darogahs of the wards to apprehend all murderers, robbers, house-breakers, thieves, pick-pockets, and persons charged with or suspected of crimes or misdemeanors, and all vagrants, who may be lurking about their respective wards without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves. All such persons who may be apprehended by the darogahs between sunrise and sunset shall be conveyed to the cutwal's office immediately on their apprehension. If any such persons shall be apprehended between sunset and sunrise, they shall be conveyed to the cutwal's office early in the morning after the night on which they may have been apprehended. The cutwal shall every morning, by eleven o'clock, take before the magistrate all persons who may have been apprehended by him or the darogahs during the preceding night or day. The cutwals and darogahs are prohibited detaining any person whom they may have apprehended in custody beyond the time above prescribed.

Cutwals and darogahs not to discharge persons once apprehended, except in the

XXX. The cutwals and the darogahs of the wards shall not discharge any persons whom they may have once apprehended, without receiving orders from the magistrate for their release; excepting persons who may

cases and under the restrictions herein specified.

have been apprehended for petty assaults or other matters, theft excepted, upon which the magistrates are empowered to pass sentence; in which cases the cutwals and darogahs are permitted to discharge the defendants, provided that previous to the time prescribed for carrying them before the magistrate, the complainants shall voluntarily deliver a razeenamah, or writing, desiring to withdraw the complaint, and the defendants, of their own accord, shall execute a similar writing, agreeing to the complaint being withdrawn. These razeenamahs shall be attested by two creditable witnesses, and are to be transmitted, on the morning following the night or day on which they may have been executed, by the darogahs to the cutwal, who shall submit them on the morning on which he may have received them, together with any such writings relating to similar cases that may have been entered into before him on the preceding night or day, to the inspection of the magistrates.

Magistrates to proceed with vagrants and suspected persons found in the city or towns as directed in Sec. x.

XXXI. The magistrates are to proceed with vagrants or suspected persons found in the city or towns above mentioned, who may be brought before them, in the same manner as they are directed to be dealt with in Section X.

Further definition of the duties of the cutwals and darogahs, with regard to persons apprehended.

XXXII. The duty of the darogahs of the wards and cutwals, with regard to persons charged with crimes and misdemeanors, is confined to apprehending them, and causing them to be carried before the magistrate as above prescribed. The cutwals and darogahs are not to inquire into, or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment on the complainants or the accused, or any other person whomsoever.

XXXIII. [Rewards for the apprehension of robbers or thieves.]—*Rescinded by Section XIV. Regulation XVI.* 1810.

Darogahs of the wards to perform the same duties as are prescribed to the tehseeldars in Sec. xviii.

XXXIV. The darogahs of the wards in the city of Benares, and the towns of Mirzapoor, Ghazepoor, and Juanpoor, shall perform the same duties as are prescribed to the tehseeldars in Section XVIII.

Police officers of the city and towns liable to prosecution for illegal acts, in the same manner as the tehseeldars and their officers by Sec. xx.

XXXV. The cutwals and the darogahs of the wards in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and the officers under their authority, shall be liable to prosecution in the Civil or Criminal Courts, for acts of oppression, corruption, or extortion, or any acts not warranted by this Regulation, in the same manner as the tehseeldars and their officers, as prescribed in Section XX.

Magistrates of the city and towns to furnish the cutwals and darogahs with sunnuds of office and translates of this Regulation.

XXXVI. The magistrates of the city of Benares, and the zillahs of of Mirzapoor, *Ghazeepoor*, and Juanpoor, are to furnish the cutwals and darogahs of the wards with sunnuds of office and translates of this Regulation, in the Persian language, and the Hindostanee language and Nagerce character. The sunnuds and translates above mentioned are to be attested with the official seal and signature of the magistrates.

A.D. 1795. REGULATION XVIII.

Reg. XVIII 1795.

A REGULATION *for extending to the Province of Benares Regulation XVIII. 1793, entitled "A Regulation for preserving complete the Records of the Civil and Criminal Courts of Judicature, and requiring the Zillah and City Courts to transmit monthly Reports of the Suits decided by them to the Provincial Courts of Appeal, and directing the Provincial Courts of Appeal to submit monthly Reports of the Appeals and Causes decided by them to the Sudder Dewanny Adawlut:"* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. IT being requisite, on grounds similar to those stated in the preamble to Regulation XVIII. 1793, that the rules prescribed in that Regulation, for keeping complete the records of the Civil and Criminal Courts of Judicature in the provinces of Bengal, Behar, and Orissa, and requiring reports of the causes and appeals determined in the civil courts, should be extended to the province of Benares, the following rule has been enacted.

II. Regulation XVIII. 1793, is hereby extended to the province of Benares.

Regulation XVIII 1793, extended to Benares.

A.D. 1795. REGULATION XIX.

Reg. XIX. 1795

A REGULATION *for forming a quinquennial Register of the Landed Estates in Benares, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE public revenue assessed upon each estate, under the rules for the permanent settlement, being fixed in perpetuity, and each estate being liable in progress of time to be divided and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale; and the security of the public revenue depending upon the allotment of it, on each portion of every estate so divided, being made agreeably to the rules prescribed in Regulations V. and XXVII. 1795; and it being necessary for enabling the officers of Government to apportion the public revenue in conformity to the rules contained in those Regulations, and for affording Government the means of tracing every deviation

from those rules, that there should be kept a register of all estates paying revenue to Government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates, or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same zemindarry or talook; and that every such union, and all such transfers, divisions, and allotments of the public revenue, that have taken place since the commencement of the quartennial or decennial settlement, or which may hereafter occur, should be traceable with facility and certainty at any future period; the following rules have been enacted:

Quinquennial register to be prepared of the estates paying revenue to Government, and of the jumma assessed upon each estate.

II. *First.* Every five years, the collector of the land revenue in Benares is to prepare a register of all the estates in the province, of whatever denomination, [*&c, as in Section II. Regulation XLVIII.* 1793.]

III. IV. and V. [*Same as Sections III. IV. and V. Regulation XLVIII.* 1793.]

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate, regarding the name to be given to the estate, the collector shall name the estate without reference to the Board of Revenue.

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguishing appellation of talook, tuppa, &c., they are to be placed on the register according to the initial letters of their names; and any such distinguishing appellations are to be inserted immediately after the names as follows:

Pessara,
or
Singramow (tuppa or talook), &c.

Estates which form specific portions of zemindarries, &c. to be stated under the general head of the original estate.

Second. Where a zemindarry or talook, from whatever cause, shall have been or may be divided into a number of puttees or shares, each consisting of a specific and ascertained proportion of the original estate, and the putteedars, or sharers, shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the zemindarry or talook of which they originally constituted a part, as follows:

BUDLAPOOR:
Six annas,
Three annas,
Seven annas.

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or mehauls, in an estate not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale or by any private act of the proprietor, and the new proprietor shall have entered into, or may execute,

separate engagements to Government for the public revenue, the lands so transferred (which, agreeably to Clause Second, Section II. will form a separate estate) are not to be inserted under the head of the zemindarry or talook of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and distinct estates, and to be named under the rules above prescribed for the naming of estates.

Names of the pergunnahs, *villages, &c.* in each estate, to be specified.

Fourth. *Under the head of each estate are to be specified the names of all the local divisions, *and the villages contained therein*, alphabetically arranged, *and where procurable from the accounts or records that may be obtainable, the rukbah or measurement of each village*, and the gross produce of it. *Separate columns are to be allotted for the measurement of the villages and for their gross produce; and where the measurement or the produce shall not be immediately procurable, the column for the measurement, or the produce, shall be left blank for the present, and be filled up at a future period, whenever the villages may be measured by public authority to settle any dispute or for other purposes, or the measurement or the produce may be otherwise obtained.*

Names of pergunnahs of which estates may form a part only, to be specified.

Fifth. Where an estate consists of one, two, or more villages, not comprising a whole pergunnah, the name of the pergunnah in which the estate may be situated is to be specified.

Jumma to be inserted opposite to each estate.

VIII.* The annual revenue assessed upon each estate is to be inserted opposite to it in a separate column.

IX [*Same as Section IX. Regulation XLVIII.* 1793.]

Quinquennial register when to commence.

X. The quinquennial register to be first formed for the province of
(Sept. 1794.) Benares shall commence with the Fussily year 1202, and shall exhibit the estates, and the required particulars respecting them, as they may stand at the end of that year. Upon this register being completed, a similar
(Sept. 1789.) register shall be forthwith formed, to commence with the year 1197, and show the estates in the several sircars as they stood at the end of that year, being the first of the quartennial and decennial settlements. The
(Sept. 1799.) quinquennial register to be formed at the commencement of the year 1207 of the Fussily era, and every succeeding five years, is to exhibit the estates in the province as they may stand at that and each subsequent period.

XI. XII. [*Same as Sections XI. and XII. Regulation XLVIII.* 1793, *omitting* "Bengal and Willnity."]

XIII. [*Same as Section XIII. Regulation XLVIII.* 1793, *substituting* "Dewanny Adawlut of the city of Benares" *for* "Dewanny Adawlut of the Zillah." *The same substitution is made throughout the Regulation.*]

Counterpart register in the native languages to be kept by the keepers of the native records.

XIV. It shall be the duty of the keepers of the native records appointed under Regulation XXI. 1793 (extended to the province of Benares by Regulation XXX. 1795), to keep an exact counterpart [*&c. as in Section XIV. Regulation XLVIII.* 1793.]

* By Sections xi. and xii. Reg. VIII. 1800, such parts of this Regulation as require a specification in the registers of the names of villages or other subdivisions, or of the measurement and rent of the lands, are rescinded.

In what language the counterpart registers are to be kept.

XV. The counterpart registers are to be kept in the Persian language, [*and the Hindostanee language and Nageree character.*]

Rescinded by Sec. xv. Reg. VIII. 1800.

XVI. [*Same as Section XVI. Regulation XLVIII.* 1793, *omitting the words* "chowdrai," "Bengal," *and* "Willaity."]

XVII. [*Same as Section XIX. Regulation XLVIII.* 1793, *substituting* "collector" *for* "collectors," *and the following for the last clause.*] The collector is strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property being notified to him.

XVIII. and XIX. [*Same as Sections XX. and XXI. Regulation XLVIII.* 1793, *substituting* "city of Benares" *for* "zillah."]

XX. and XXI. [*Same as Sections XXII. and XXIII. Regulation XLVIII.* 1793.]

Collector, from whence to be furnished with the necessary information for making the entries in the register of mutations in property.

Judges of the city and zillahs to furnish him with copies of decrees relating to malguzarry land.

XXII. *First.* The collector will be furnished, through the following channels, with the necessary information regarding the mutations in landed property, for making the requisite entries in the register of intermediate mutations.

Second. The City Court and the Zillah Courts are required by Section IV. Regulation VIII. 1795, to transmit to him copies of all decrees that they may pass, or which may be sent to them to be enforced by the *Provincial Court of Appeal or the* Sudder Dewanny Adawlut in any respect relating to the proprietary right in lands paying revenue to Government.

Board of Revenue to furnish him with an account of sales of such lands made at Calcutta.

Third. The Board of Revenue is to furnish him with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Particulars of sales made by him to be taken from the accounts in his own possession;

as also in cases of the division or the union of estates.

Fourth. In cases in which lands may be ordered to be sold at his cutcherry, he will have in his own possession the authority for the sale, and all the necessary information regarding the property transferred.

Fifth. He will likewise have in his possession, the requisite information respecting the division or union of estates which may take place under [*Regulation XXV.* 1793, *and Regulation XXVI.* 1795], by which it is directed that the division and union of all estates are to be made under his superintendence.

Substitute Reg. XIX. 1814.

Transfers of land will be notified to him under Reg. XXVII. 1795.

Sixth. By Regulation XXVII. 1795, transfers of estates, or portions of estates, must be notified to him, before the name of the new proprietor can be inserted in the register directed to be kept by the present Regulation.

See Secs. xx. and xxi. Reg. VIII. 1800.

Keepers of the registers to notify to him transfers that may be registered.

Seventh. The keepers of the registers established under Regulation XXXVI. 1793 (extended to Benares by Regulation XXVIII. 1795) are required by that Regulation to furnish him with the particulars of all transfers of landed property that may be entered in their registers.

Proprietors, &c. liable to be fined for omitting to furnish any

XXIII. If a collector shall have occasion to require from a talookdar, zemindar, or other proprietor, or the farmer of an estate, or from a put-

teedar, distinct or common, or from an under-farmer, any information, [*&c. as in Section XXV. Regulation XIV.* 1793.]

information that may be required by the collector for preparing the registers.

XXIV. The collector of Benares is to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the quinquennial register, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the Dewanny Adawlut of the city of Benares, in the same manner as the original register, as directed in Section XIII.; and within one month after the expiration of the third, sixth, ninth, and twelfth month of each Fussily year, an attested copy of the entries in the register of intermediate mutations that may have taken place during the three preceding months. [*The collector is to transmit similar copies of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the judges of the Dewanny Adawlut of the city and zillahs, and to the Provincial Court of Appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the quinquennial registers, and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the collector.*]

Collector to send duplicates of each quinquennial register to the Board of Revenue.

Rescinded by Sec. xv., and see Sec. xvi. Reg. VIII. 1800.

XXV. and XXVI. [*Same as Sections XXVII. and XXVIII. Regulation XLVIII.* 1793, *substituting* "collector" *for* "collectors," *and omitting in the latter the words* "in the several zillahs."]

XXVII. The quinquennial register to be formed at the commencement of the Fussily year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding quinquennial register and the entries of subsequent mutations in property in the register of intermediate mutations. The materials for each quinquennial register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

From what materials the register to commence with the year 1207, and every subsequent quinquennial register, is to be formed.

XXVIII. [*Same as Section XXX. Regulation XLVIII.* 1793.]

A.D. 1795. REGULATION XX.

Reg. XX. 1795.

A REGULATION *for disposing of Malguzarry and Lakheraj Lands at public Sale, pursuant to Decrees of the Courts of Justice:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Repealed by Section II. Act IV. 1846.]

Reg. XXI. 1795.

A.D. 1795. REGULATION XXI.*

A REGULATION *for preventing Brahmins in the Province of Benares establishing Koorhs, wounding or killing their Female Relations or Children, or sitting Dhurna; and for preventing the Tribe of Raujekoomars in that Province killing their Female Children:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE reverence paid by the Hindoos to Brahmins and the reputed inviolability of their persons, and the loss of, or prejudice to caste, that ensues from proving the cause of their death, have in some places in the province of Benares, and more especially in the pergunnahs of Kuntit and Budhoee, been converted by some of the more unlearned part of them into the means of setting the laws at defiance, from the dread and apprehensions of the persons of the Hindoo religion, to whose lot it must frequently fall to be employed in enforcing against such Brahmins any process or demands on the part of Government. The devices occasionally put in practice under such circumstances by these Brahmins are lacerating their own bodies, either more or less slightly, with knives or razors; threatening to swallow, or sometimes actually swallowing poison, or some powder which they declare to be such; or constructing a circular enclosure, called a koorh, in which they raise a pile of wood or of other combustibles, and betaking themselves to fasting, real or pretended, place within the area of the koorh an old woman, with a view to sacrifice her by setting fire to the koorh, on the approach of any person to serve them with any process, or to exercise coercion over them on the part of Government or its delegates. These Brahmins likewise, in the event of their not obtaining relief within a given time, for any loss or disappointment that they may have justly or unjustly experienced, also occasionally bring out their women or children, and causing them to sit down in the view of the peon who is coming towards them on the part of Government or its delegates, they brandish their swords, and threaten to behead or otherwise slay these females or children, on the nearer approach of the peon; and there are instances in which, from resentment at being subjected to arrest or coercion, or other molestation, they have actually not only inflicted wounds on their own bodies, but put to death with their swords the females of their families or their own female infants, or some aged female procured for the occasion. Nor are the women always unwilling victims; on the contrary, from the prejudices in which they are brought up, it is supposed that in general they consider it incumbent on them to acquiesce cheerfully in this species of self-devotement, either from motives of mistaken honour or of resentment and revenge, believing that after death they shall become the tormentors of those who are the occasion of their being sacrificed. On similar principles, these Brahmins, to realize any claim or expectation, such as the recovery of a debt, or for the purpose of extorting

By Sec. xv. Reg. XVII. 1817, the exemption of Brahmins, in the province of Benares, from the punishment of death, is abolished.

some charitable donation, frequently proceed, either with some offensive weapon or with poison, to the door of another inhabitant of the same town or village, and take post there in the manner called dhurna; and it is understood, according to the received opinions on this subject, that they are to remain fasting in that place until their object be obtained, and that it is equally incumbent on the party who is the occasion of such Brahmin's thus sitting, to abstain from nourishment until the latter be satisfied. Until this is effected, ingress and egress to and from his house are also more or less prevented, as, according to the received opinions, neither the one nor the other can be attempted, but at the risk of the Brahmin's wounding himself with the weapon, or swallowing the powder or poison with which he may have come provided. These Brahmins, however, are frequently obliged to desist, and are removed from sitting dhurna by the officers of the courts of justice, without any ill consequence resulting, it having been found by experience, that they seldom or ever attempt to commit suicide, or to wound themselves or others, after they are taken into the custody of Government. The rules and measures adopted for putting a stop to these abuses, and for preventing the revival of the still more savage custom, which until within these few years had been generally prevalent amongst the tribe of Raujekoomars inhabiting the borders of the province near Juanpoor, of destroying their infant female children by suffering them to perish for want of sustenance, are hereby enacted with modifications into a Regulation.

Brahmins establishing a koorh, or preparing to maim, wound, or slaughter women or children, how to be dealt with. To be committed to prison, &c.

II. Upon information, in writing, being preferred to the magistrate of the City or Zillah Court, against any Brahmin or Brahmins, for establishing a koorh, or for being prepared to maim, wound, or slaughter his women or children, or any or either of them, in the manner described in the preamble to this Regulation, or in any manner substantially similar thereto, on account of any subject of discontent or any other account whatsoever; in such case, upon *oath* being made to the truth of the information, the magistrate is immediately to address to the said Brahmin or Brahmins a written notice, in the Persian language and character, and in the Hindostanee language and Nageree character, and under his official seal, which notice is to be served on him or them by such of the relations, friends, or connections of the said Brahmin or Brahmins as the magistrate may think fit and have an opportunity of employing for the purpose; and in default of such relations, friends, or connections of the said Brahmin or Brahmins, the magistrate is to cause the notice to be served by a single peon of the same religion; and the notice shall require the said Brahmin or Brahmins to remove the koorh, and the women and people that may be placed in it, or to desist from any preparation toward wounding or slaughtering the women or children, according as either or both of these facts shall be charged in the information. The notice shall also contain a positive and encouraging assurance to the Brahmin or Brahmins in question, that on his or their complying with the principal exigence thereof, by removing the koorh and the person or persons therein, or by desisting from any preparation to wound or slaughter the women and children, and thereon repairing (as such Brahmin or Brahmins may think fit), in person or by vakeel, to the City or Zillah Court, proper inquiry shall be made concerning the dispute that may have given occasion to the act or acts thus pro-

See Act XXIX. 1837.

hibited. But if the issuing of the notice shall not have the effect of inducing the said Brahmin or Brahmins to comply with the exigence thereof, a written return to that purpose is to be made and attested by the party or parties intrusted with the serving of it; and the magistrate is thereon to issue a warrant, under his official seal and signature, for the apprehension of the said Brahmin or Brahmins, specifying the misdemeanor and contumacy with which he or they stand charged; and the execution of the warrant is to be committed to peons of the Mahomedan religion, nor is any Hindoo to be sent on such duty. On the Brahmin or Brahmins against whom the warrant shall have been issued being brought before the magistrate, he or they are to be dealt with in the mode prescribed in Section V. Regulation IX. 1793, respecting persons charged with crimes or misdemeanors; and if it shall appear to the magistrate on the previous inquiry, which by the said section he is himself directed to make, that the misdemeanor or misdemeanors charged (that is, the constructing of the koorh, or being prepared to wound or slay the women or children, according as either or both of these acts shall have been charged) were actually committed, and that there are grounds for suspecting the prisoner or the prisoners respectively to have been concerned, either as a principal or an accomplice, in the perpetration of either or both of these acts, the magistrate shall cause him or them to be committed to prison or held to bail (according as the parties shall appear to have been principals or accomplices), to take his or their trial at the *next session of the Court of Circuit*, and shall bind over the informant or complainant, and the witnesses, to appear at the trial, in the manner prescribed in the aforesaid section.

Process of the trial, and the punishment to be inflicted for the commission of the aforesaid offences.

III. The *Court of Circuit* shall conduct the trial of the Brahmin or Brahmins charged with the above offences in the manner prescribed in Regulations IX. 1793, and XVI. 1795, in respect to other offences; but as the Mahomedan law cannot adequately apply to offences of this local nature, it is therefore hereby provided and ordered, that where, in the opinion of the *Court of Circuit*, the charge of being a principal in respect to the constructing of a koorh, or to having been prepared to wound or slay the women or children, shall be proved, the said court shall sentence the prisoner to the payment of a fine equal to the amount of his annual income, which is to be estimated according to the best information that they may be able to procure respecting it; and on proof, to the court's satisfaction, of the prisoner's being guilty only as an accomplice, he shall be sentenced to the payment of a fine equal to one-fourth of his estimated annual income. In all cases of parties being sentenced to the payment of such fines, they are to be committed to, and are to remain in gaol until the amount thereof be paid, or until they shall have delivered to the *Court of Circuit*, or after the said court's departure, to the magistrate, full and ample mal-zaminy or security to pay the same within six months from the date of their release; and such parties, before their enlargement, either in consequence of their having liquidated, or having entered into security for the payment of the fine imposed on them, shall deliver into the *Court of Circuit*, or in their absence to the magistrate, fael-zaminy or satisfactory security from one or more creditable persons, not to offend in like manner in future.

IV. All sentences passed by the *Court of Circuit* under Section III. without, however, any intermediate suspension of their execution, are to be transmitted within ten days after their being passed to the Nizamut Adawlut, which court may order such mitigation and restitution of the fine or fines thereby imposed, as may be thought proper; but until the order be issued by the Nizamut Adawlut, the sentence of the *Court of Circuit* is to be considered in full force, and to be carried into effect accordingly.

Authority reserved to the Nizamut Adawlut to mitigate such fines.

V. In case any Brahmin or Brahmins against whom the city or a zillah magistrate may issue the warrant prescribed in Section II. shall refuse to obey, or resist, or cause to be resisted, the peons deputed to serve it, or escape after being taken by them into custody, or abscond, or shut himself or themselves up in any house or building, or retire to any place so that the warrant cannot be served upon him or them, the magistrate shall issue a precept to the collector requiring him to cause the nearest tehseeldar to attach the lands that such Brahmin or Brahmins may possess in property or in mortgage, or in farm or lakheraj. The lands shall remain attached until he or they surrender, and the collections made during the attachment, after deducting such revenue as may fall due to Government, shall be accounted for and paid to the party against, or on account of, or in resentment to whom, the koorh was originally established, or the woman or women, or child or children, were to be wounded or slain; and after the surrender or apprehension of the Brahmin or Brahmins who set up the koorh, or was or were prepared to wound or slay his or their women or children, or either of them, his or their lands shall be released; but he or they shall be proceeded against, in respect to his or their trial for the original offence or offences, as prescribed in Sections III. and IV.

Penalty for Brahmins absconding for whose apprehension the magistrate shall have issued a warrant under Sec. ii.

VI. In the event of any Brahmin or Brahmins establishing a koorh, or preparing to wound or slay his or their women or children, or any or either of them, with a view to prevent the serving of any dustuck or writ on him or them, for arrears of revenue, by the local tehseeldar, or by the collector of Benares, in the manner in which by Regulation VI. 1795, they are respectively authorized to issue such dustucks; if it be the dustuck of the tehseeldar that is thus opposed, he is not, after being informed thereof, to persist in enforcing it, but is to report the case immediately to the collector, accompanied by the written testimonies of the peon deputed to serve the dustuck; upon receipt of which information, or in case of his own original process being in like manner resisted, the collector is to represent, through the vakeel of Government, the amount of the balance due by such Brahmin or Brahmins, and the circumstances attending the issuing of his own or of his tehseeldar's process for realizing it, to the judge and magistrate of the city or zillah in whose jurisdiction the lands, on account of which the arrears shall be due may be situated; and upon the peon deputed with the tehseeldar's or the collector's dustuck, or any other creditable person or persons, attending in court, and making *oath* to the truth of the circumstance stated in the representation of the collector, either as to the constructing of a koorh by such Brahmin or Brahmins, or as to his or their being prepared to wound or slay the women and children, or any of them (according as one or both of these expedients

Collector to apply to the magistrate in case of Brahmins establishing a koorh, or being prepared to kill or wound women or children, on account of any process from the revenue department.

shall be stated to have been resorted to by the Brahmin or Brahmins in question), the magistrate is thereon to issue to such Brahmin or Brahmins a written notice, under his official seal, in the Persian language and character, and in the Hindostanee language and Nageree character, which is to be served on him or them by such of the relations, friends, or connections of the said Brahmin or Brahmins as the magistrate may think fit and have an opportunity of employing for the purpose; and in default of such relations, friends, or connections of the said Brahmin or Brahmins, the magistrate is to cause the notice to be served by a single peon of the same religion; and the tenour of it shall require the said Brahmin or Brahmins to remove the koorh, and the women and people that may be placed in it, or to desist from any preparation for wounding or killing the women or children (according as either or both of these offences may be charged in the information), as likewise either to discharge the balance of rent or revenue that shall have been demanded from him or them, or to appear, and entering security for such part of it as he or they may have pleas against the payment of, to file his or their objections to the payment of such part, in the City or Zillah Court, that the merits of the case may be inquired into and decided, according to the principles by which other disputed demands and accounts of revenue are, under Regulation VI. 1795, directed to be determined; and the said notice is also to contain a positive and encouraging assurance to the Brahmin or Brahmins in question, that on his or their complying with the exigence of it, by removing the koorh and the persons therein, or by desisting from any preparation to wound or slay the women and children, and either discharging the balance of revenue in demand, or repairing in person, or deputing a vakeel, to the City or Zillah Court, and entering security for the amount of it, proper inquiry shall be made into the pleas that he or they may have to state against the justice of the demand. If the issuing of the notice shall fail to induce the said Brahmin or Brahmins to comply with the requisitions of it, a written return to that effect is to be made and attested by the party or parties entrusted with the serving of it, and the magistrate is immediately to issue a warrant, under his official seal and signature, for the apprehension of such Brahmin or Brahmins, in which shall be specified the misdemeanor, contumacy, and arrear, with which he or they stand charged; and the warrant shall be executed by peons of the Mahomedan religion, as directed in Section II.; and if the Brahmin or Brahmins shall refuse to obey, or resist, or cause to be resisted, the peons deputed to serve it, or escape after being taken by them into custody, or abscond, or shut himself or themselves up in any house or building, or retire to any place so that the warrant cannot be served on him or them, the magistrate, on information to this effect, shall issue a precept to the collector, to cause the nearest tehseeldar to attach the lands that such Brahmin or Brahmins may possess in property or in mortgage, or in farm or lakheraj; and the lands shall accordingly remain attached, and the profits of them be appropriated by Government, until the liquidation of the balance shall be effected either from the produce, or in consequence of the said Brahmin or Brahmins making good the same from his or their other means; and also until the said Brahmin or Brahmins shall have been brought, or made his or their appearance before the court, when he or they shall be tried for being concerned, either as principals or accomplices, in setting up the

Notice, and

See Act XXIX. 1837.

process to be issued by the magistrate thereon.

koorh, or for having been prepared to wound or slay his or their women or children, or any or either of them, in the same manner, and with the same reservation as to the mitigation of the sentence, as is specified in Sections II. III. and IV.

Brahmins causing the construction of a koorh, and persons firing it, to be tried on a charge of murder for the loss of the life or lives of any person or persons that may be thereby occasioned.

VII. If any Brahmin or Brahmins, on account of any discontent or alarm, well or ill founded, either against Government or its officers or servants, shall establish a koorh, in which any person or persons shall, at any period from its construction until its removal, be burnt to death, or otherwise lose their lives, in consequence of such koorhs being set fire to by any person whomsoever, the Brahmin or Brahmins who shall have caused the construction thereof shall be held chargeable with, and made amenable for the crime of murder, as well as the party or parties who may have been immediately employed, or aided in setting fire to the pile or combustibles in question; and upon proof of the fact, to the satisfaction of the *Court of Circuit*, such Brahmin or Brahmins, and such person or persons setting fire to the koorh, shall be sentenced, on trial before the *said court*, to suffer the punishment of death, in the same manner as if they had committed and been convicted of kutl amd, or premeditated murder, according to the doctrines of the Mahomedan law: and with a view to render the example as public as possible, such sentence (whether consistent with the futwah of the Mahomedan law officers or otherwise), is, in this case, to be accordingly formally passed by the *Court of Circuit* on the Brahmin or Brahmins thus convicted; but it is to be at the same time explained to the party or parties thus condemned, as it is also hereby expressly provided, that all such trials, and sentences passed, are by the *Court of Circuit* to be submitted (in like manner as is prescribed in Section XLVII. Regulation IX. 1793) to the Nizamut Adawlut, and the party or parties condemned under this section are to remain in gaol to await the final judgment of that court;

Rescinded by Sec. xv. Reg. XVII. 1817.

[*and if the Nizamut Adawlut shall approve of the condemnation, it shall order the Brahmin or Brahmins in question to be conveyed to Calcutta, to be thence transported for life, in conformity to Section XXIII. Regulation XVI.* 1795, *which establishes this commutation for the legal punishment of murder perpetrated by Brahmins within the province of Benares;*]

Rescinded by Sec. ii. Reg. XIV. 1810.

[*or if the Court of Nizamut Adawlut shall see cause for not proceeding pursuant to the sentence passed by the Court of Circuit, either in respect to the Brahmin or Brahmins who may have caused the construction of the koorh, or to the party or parties who may have been employed or aided in firing it, they shall submit the case or cases to the Governor-General in Council, and either recommend a pardon, or such other commutation by way of mitigation of the punishment, as to the said court may seem proper.*]

Punishment for Brahmins wounding women and children.

VIII. If any Brahmin or Brahmins, under the circumstances, and in the manner described in the preamble to and the following sections of this Regulation, or under such circumstances, and in such manner as shall be substantially similar thereto, with a sword or other offensive weapon, or otherwise, shall actually wound his or their women or children, or other women or children, or any or either of them, on account or in resentment of any real or supposed injury committed towards him or them, by any aumils, tehseeldars, or other officers or servants employed in the revenue or judicial departments, or shall so wound any of his or their own women or

children, or any other woman or child, on account or in resentment of his or their differences with any individual, he or they shall, for such act or acts, be sentenced by the *Court of Circuit* to transportation, [*subject to the same reference to the Nizamut Adawlut, and to the like commutation of the punishment or pardon, as in the cases referred to in Section VII.*]

Rescinded by Sec. xv Reg XVII. 1819

Punishment for Brahmins killing women or children.

IX. If any Brahmin or Brahmins, under the circumstances, and in the manner described in the preamble to and subsequent sections of this Regulation, or under such circumstances and in such manner as shall be substantially similar thereto, with a sword or other offensive weapon, or otherwise, shall actually put to death his or their women or children, or other women or children, or any or either of them, on account or in resentment of any real or supposed injury committed towards him or them, by aumils, tehseeldars, or any other officers or servants employed in the revenue or judicial departments, or shall so put to death any of his or their own women and children, or any other woman or child, on account or in resentment of his or their differences with any individual, he or they shall be tried for such homicide, and on proof of the fact or facts, be accordingly sentenced by the *Court of Circuit* to capital punishment, [*subject to the same reference to the Nizamut Adawlut, and to the like commutation of the punishment or pardon, as in the cases referred to in Section VII.*]; and the families of any Brahmin or Brahmins found guilty of murder under this section shall, according to the order of the Governor-General in Council under date the 17th of June, 1789, and the publication made in conformity to it by the Resident at Benares, under date the 7th of July of the same year, be banished from the province of Benares and the Company's territories, and his and their estates in land shall be forfeited and disposed of as to Government shall seem proper; and accordingly the *Court of Circuit* is required to subjoin this order to all sentences that they may pass on Brahmins for murder under this section, at the same time reporting such sentence and order to the Nizamut Adawlut, together with as accurate an account as they may be able to procure, of the number, sex, and age of the persons composing the family of such Brahmin or Brahmins, and annexing their opinion how far it may be advisable, or otherwise, rigorously to enforce the banishment of the family of such Brahmin or Brahmins, or to confirm, or mitigate, or annul the order for the forfeiture of their real property; and the Nizamut Adawlut, on consideration of this sentence and order, and of the opinion of the *Court of Circuit*, shall either wholly confirm, [*or recommend to the Governor-General in Council such mitigation of the said sentence and order, as shall appear to them proper*]; and in all cases where the forfeiture of the landed property of such Brahmin or Brahmins, and that of his or their family, shall be confirmed by the Nizamut Adawlut, the said court is to advise the Governor-General in Council thereof, nor shall such sentence be carried into execution, as far as regards the forfeiture of the landed property, without an order from the Governor-General in Council approving such part of the sentence, and directing in what manner the lands thus forfeited shall be disposed of.

Rescinded by Sec. xv. Reg. XVII 1817

Families of such Brahmins to be banished and lands forfeited.

Rescinded by Sec. ii. Reg XIV. 1810.

Limitation as to the forfeiture of the family lands of the offenders.

X. In the exercise of the discretion vested in the Nizamut Adawlut by Section IX. of recommending to the Governor-General in Council the

Superseded as regards reference to the Nizamut Adawlut for mitigation of punishment by Sec. ii. Reg. XIV. 1810.

mitigation of sentences and orders passed by the *Court of Circuit* under the said section, it shall be a rule, that whenever the Governor-General in Council shall, in consequence, deem it proper to limit the banishment either to the party or parties committing the murder, or to a certain number only of his or their family or families, no confiscation or forfeiture of the landed property shall in such instances take place, but the same shall be entirely left in the possession, and as the property, of those members of the family who shall be exempted from banishment.

XI. XII. [Punishment for dhurna.]—*Rescinded by Section II. Regulation VII.* 1820.

How Raujekoomars are to be tried for leaving or causing their female infants to perish for want of nourishment.

XIII. In the month of December, 1789, the tribe of Raujekoomars having bound themselves to discontinue the practice of causing their female infants to be starved to death, it is now accordingly ordained, that from the establishment and opening of the City and Zillah Courts, and of the *Court of Circuit* in Benares, if any Raujekoomar shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment, as set forth in the preamble to this Regulation, or in any other manner, the magistrate, on receiving information thereof upon *oath*, or such other information or proof as he shall deem sufficient to render the charge highly probable, shall cause such Raujekoomar to be apprehended in the manner prescribed, and make the inquiry ordered in Section V. Regulation IX. 1793; when, if it shall appear to the magistrate that the crime has been actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the magistrate shall cause him to be committed to prison to be tried before the *Court of Circuit*, and shall at the same time take all the other precautions required in the section and Regulation last quoted, relative to securing the attendance of the original complainant or informant, and of the witnesses; and the prisoner shall be tried accordingly, in the manner directed in Regulation IX. 1793, and Regulation XVI. 1795, with respect to other cases of murder.

A.D. 1795. REGULATION XXII.*

Reg. XXII. 1795.

A Regulation *for preserving the Record of the principal Rules regarding the Administration of Justice and the Police in the Province of Benares, passed between the Year* 1781 *and the Period of the Abolition of the Office of Resident in* 1795; *and for determining what Part of those Rules are to be considered still in force; and for transferring the Causes depending in the Courts of Judicature abolished on this Date to the Courts established in lieu of them:* Passed *by the Governor-General in Council, on the 27th March,* 1795.

I. Previous to the cession of Benares to the Company and until the year 1781, the administration of justice in the several pergunnahs and

* The provisions of this multifarious Regulation, important as a record of previous legis-

districts in the province of Benares was committed, subject to the control of the zemindar, to the aumils or native collectors of the revenue, who, in the exercise of this trust, were guided chiefly by unwritten custom. In the city of Benares, certain judicial powers in civil suits were lodged in the superintendent of an office denominated the Amanut Dufter, and the police was entrusted to a cutwal. This system continued with little variation until the year 1781, when the British Government first interfered in the interior administration of the country. It being necessary that all the rules which have been passed from that period to the abolition of the residency, regarding the administration of justice or the police, should be printed and published, for the security of the rights of those individuals whose property is held under, or has in any shape been affected by them, and that it should be declared what part of those rules are still to be considered in force, and it being requisite that provisions should be made for transferring the suits depending in the courts abolished on this date to the courts which have been established in lieu of them, the following rules have been enacted.

Institution of a court of justice for the city of Benares.

II. On the 19th of October, 1781, a chief magistrate was appointed for the preservation of the peace and the administration of justice in the city of Benares; and to enable him to execute the duties assigned to him, a Dewanny Adawlut or civil court, a Foujdarry Adawlut or criminal court, together with a cutwally or office of police, were established under his superintendence. The magistrate was authorized to frame rules of practice for the courts, subject to the approbation of the British Government at Calcutta, to whose authority alone he was subject.

Establishment of a court of justice for the town of Ghazeepore.

Rule of law to be observed therein.

III. On the 27th of January, 1788, a court of justice was established in the town of Ghazeepoor, under the superintendence of a native judge, who was vested with civil, criminal, and police jurisdiction within the limits of the town. In civil causes instituted in this court, the law of the religion of the parties was made the rule of decision, excepting when the parties were of different persuasions, as in suits between Mahomedans and Hindoos, in which cases the court was ordered to be guided by the law of the religion of the defendant. But in all criminal cases (excepting those which had relation to caste or marriage amongst the Hindoos) the futwahs or sentences were directed to be delivered in conformity to the Mahomedan law. The sentences in criminal trials, however, were ordered not to be carried into execution until they had been approved by the resident; excepting in cases in which the punishment did not exceed twenty stripes or imprisonment for one week, which sentences the judges were authorized to carry into execution by their own authority.

Subsistence to prisoners.

IV. The judge at Ghazeepoor was instructed to furnish persons confined for criminal offences with a daily subsistence at the expense of

lation, can now seldom, if ever, require to be referred to; the reservations of authority stated in Sec. lxxxix. had reference to the then recent transfer of administration to the tribunals and offices established by the code of 1795, and to claims at that time likely to be preferred to rights which have now been long settled. It does not seem necessary, therefore, to refer by marginal notes to enactments passed on the several topics to which the successive sections relate. The laws in force on each of those topics will be traceable in the classified table, and in the general index.

Government; but debtors, and others detained in custody on civil actions, were ordered to be maintained by the prosecutors; and the court was directed to release them, in the event of the prosecutors not paying the required sum for their subsistence.

Police.

V. In the cutwally, or police department, the fees which had been usually collected from the inhabitants were abolished; and to obviate disturbances in the city, travellers, sepoys, and others, were directed to apply through the native magistrate for such assistance as they might require, instead of going themselves, or deputing people for that purpose, into the town.

Rules respecting the officers of the court.

Oath taken by the judge.

VI. The judge was entrusted with the appointment and dismission of the officers subordinate to him, but with instructions to report all removals and nominations to the resident. The judge was sworn to the diligent and faithful discharge of his trust, and the officers of the court were declared liable to be made to refund three times the amount of any sums which might be proved to have been corruptly or unduly received by them.

Similar establishment of a court for the town of Juanpoor.

VII. On the 15th of March, 1788, a Court of Judicature was established in the town of Juanpoor, under a native judge, with the same powers and jurisdiction, in civil and criminal cases and in matters of police, as had been vested in the native judge of Ghazeepoor.

Limitation of the period within which causes were to be heard.

VIII. A rule was passed, authorizing the two courts above mentioned to entertain and decide on suits where the cause of action had arisen within the twelve years previous to the 15th of March, 1788; but no civil causes of longer standing were to be received, unless the party first obtained from the resident an order for their being admitted.

Establishment of a court of justice at Mirzapoor.

IX. On the 31st of March, 1788, a Court of Judicature was established in the town and mart of Mirzapoor, under the superintendence of a native judge, who was vested with the same civil, criminal, and police jurisdiction, as the judges of the courts at Ghazeepoor and Juanpoor; and on the 11th of November following, the jurisdiction of the Mirzapoor court was declared to extend to the site and temple of Bindebashnee, a place in that vicinity resorted to by the Hindoos for religious purposes.

Regulation for hearing appeals from the courts of Ghazeepoor, &c.

X. *First.* On the 15th of March, 1788, the following rules were established in pursuance of the orders of the Governor-General in Council of the 29th of February, 1788, empowering the resident to hold a Dewanny Court of Appeal at the Sudder, or Benares, for trying appeals from the decrees of the courts of Mirzapoor, Ghazeepoor, and Juanpoor.

Second. "1*st.* That in all causes of a civil nature, the party dissatisfied with the decree of the Mofussil Court shall be at liberty to appeal to the resident at Benares by a petition of appeal, stating the causes of appeal, so that every such petition against any decree made in any of the said Mofussil Courts, be presented to such Mofussil Court, or to the resident in his capacity of judge of the Court of Appeal at Benares, within two months after the day on which the decree was made. Provided nevertheless, that such

person may prefer his petition of appeal to the said Court of Appeal at Benares, after such period, if he can show just and reasonable cause, to the satisfaction of that court, for not having preferred the same within the said two months; and if the petition of appeal be against any decree, whereby the right of possession of any house or land shall be decreed to the plaintiff, all proceedings shall immediately be staid and no execution had or possession given, under the decree appealed against, until the said appeal shall have been finally determined in the Sudder Dewanny Adawlut, if the party against whom the decree is given enter into good and sufficient security in a sum equal to one year's value of the rents, issues, and profits of such land or house which shall have been decreed, to abide by and perform such order as shall be made in the Court of Appeal at Benares. But if such party shall neglect or refuse to enter into such security, on or before the court day next after such appeal shall be preferred, then the Mofussil Dewanny Adawlut shall order execution to be had and possession to be delivered according to the decreee; and in all other cases, the Mofussil Dewanny Adawlut may either order the decree to be carried into execution, or sufficient security to be given by the party against whom the decree shall be made, in a sum equal to the sum of money or the value of the thing decreed, for the performance of the decree; and if the Mofussil Dewanny Adawlut shall order the decree to be executed, security shall be taken from the party in whose favour the decree is made, in a sum equal to the sum of money or value of the thing decreed, for the due performance of such order or decree as shall be made in the Court of Appeal; and in all cases, the party appealing shall give full and sufficient security, in a sum not exceeding two hundred rupees, for the payment of all such costs, and for the performance of such order or decree as the Court of Appeal may think proper to award or make thereupon; and in every case where any petition of appeal shall be presented in any Mofussil Dewanny Adawlut against any decree given in such court, and such securities as are hereby required shall have been entered into, the judge of such Mofussil Dewanny Adawlut shall immediately endorse on such petition, in his own handwriting, the day of the month and year in which it was presented, and sign the same with his name, and shall likewise cause to be written in the margin of the record, immediately opposite to the decree of the court, the word "appealed," and shall receive every petition of appeal, and transmit the same to the Court of Appeal at Benares; and the judge shall cause notice in writing to be given to the appellant, that he will within six days certify to the Court of Appeal the several proceedings had in the cause appealed, and that if the appellant shall not proceed in his appeal within fourteen days after the same shall have been received by and filed in the Court of Appeal, his appeal will be dismissed, unless the appellant shall show reasonable cause, to the satisfaction of the court, for not proceeding therein.

Record and papers how to be certified to the Court of Appeal.

Third. "2*d.* That the judge of such Mofussil Dewanny Adawlut shall, within six days next after the receipt of such appeal, certify under his hand and the seal of his court, to the resident as judge of the Court of Appeal at Benares, the record so made up and authenticated as aforesaid, together with the original complaint, answer, replication, and rejoinder of the parties, and the original depositions, exhibits, and every original paper read in the cause, and before he shall transmit the same to the Court

of appeal, cause true and faithful copies of all such originals, authenticated by the signature of the serishtadar or head moonshee, to be made out and deposited in the Mofussil Dewanny Adawlut, in lieu of the originals; which said copies shall be, and shall be esteemed, records of the court.

In what causes an appeal is to lie from the decision of the Court of Appeal at Benares.

Fourth. "*3rd.* That where the cause of action shall not exceed one thousand rupees, the judgment of the resident, in his capacity of judge of the Court of Appeal at Benares, is to be final; but in causes exceeding that amount, the parties are to be at liberty to appeal from the decision of the resident to the Sudder Dewanny Adawlut at Calcutta, under the restrictions prescribed in the Regulations for the administration of justice in the provinces of Bengal, Behar, and Orissa.

Rules for ascertaining in such cases the value of the subject litigated.

Fifth. "*4th.* That for the purpose of ascertaining what causes are, and what causes are not appealable from the Court of Appeal at Benares to the Sudder Dewanny Adawlut at Calcutta, the mode of fixing what causes exceed and are under one thousand rupees shall be as follows: in causes respecting land, it shall be estimated according to the annual produce or jumma,—that is to say, lakheraj land at ten times the amount of its annual produce, ayma lands paying a quit-rent to Government at twenty times the amount of the annual quit-rent, and malguzarry land at one year's amount of the jumma to Government; and if for a house and the ground belonging to it, according to the price in the bill of sale, or if there be no bill of sale, according to the appraisement of two creditable appraisers of the place.

Process in respect to the execution of the decision of causes liable to be appealed.

Sixth. "*5th.* In all causes, the Mofussil judges are, after hearing the cause and the evidence produced, and considering all the vouchers of both parties, to pass their decision thereon according to the Mussulman and Hindoo laws, in the manner distinctly specified in regard to each in their sunnuds of investiture, which they are to announce in the public cutcherry to the parties, and to furnish each of them with an attested copy of the decree passed under the judge's signature and the seal of the Adawlut, which decrees the judges are respectively to order on the next court day to be carried into execution, if either of the parties shall not then or before have applied to appeal, in which case the judges are to act according to the regulations contained in the preceding articles.

Security to be taken from parties in civil suits.

Seventh. "*6th.* The judges are, on the institution of each cause, as soon as the petition of complaint is received, to take sufficient security from the parties in the cause to carry on their suit, and to abide by the judgment of the court when passed, or to appeal therefrom, in the manner directed by the preceding regulations."

Jurisdiction of the Court of Appeal at Benares extended over the City Court.

XI. The Governor-General in Council having extended the jurisdiction of the Court of Appeal at Benares to hearing appeals from decisions of the City Court of Benares, established as specified in Section II., the native judge was advised accordingly on the 11th of May, 1788. On the 6th of August following, the Governor-General in Council determined that the Court of Appeal should not receive any appeals from causes decided by the judge of the City Court previous to the 31st of August, 1787, the date of the then resident's first arrival at Benares.

Rule in respect to bonds of old date.

XII. On the 11th of October, 1788, a rule was passed directing the

courts at Ghazeepoor, Juanpoor, and Mirzapoor, to entertain and try all civil suits founded on bonds of whatever date, in part of which any payments had been made within the period of the twelve years fixed for rendering causes cognizable.

Mahomedan and Hindoo laws to be conformed to in the City Court of Benares.

XIII. On the 20th of October, 1788, the Court of Appeal at Benares directed the same use and application of the Mahomedan and Hindoo laws, respectively, to be observed in the City Court of Benares, as had been prescribed to the courts of Mirzapoor, Ghazeepoor, and Juanpoor.

Establishments provided for the two country courts of Moolky Dewanny and Moolky Foujdarry Adawluts.

XIV. Some provision was thus made for the administration of justice in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor; but the jurisdiction of these courts being confined to the limits of the city and towns in which they were respectively established, and not extending into the interior parts of the zemindarry, the greater proportion of the inhabitants were still left without any adequate protection or means of procuring redress. For although some steps had been taken, in 1786, towards the institution of a court of justice for the country (hence called the Moolky or Country Adawlut), with the limited authority of hearing and trying such causes as the resident might refer for that purpose, its powers and influence were so circumscribed as to be productive of little benefit, until the month of October, 1787, when this tribunal was formed into two distinct courts, one denominated the Moolky Dewanny Adawlut, or Civil Country Court, and the other the Moolky Foujdarry Adawlut, or Criminal Country Court. A separate judge was nominated to each of these courts, and under the subsequent instructions of the Governor-General in Council, of the 29th of February and the 3rd of October, 1788, adequate establishments were assigned to these two Moolky Adawluts on the 26th of November following. The Moolky Dewanny Adawlut was vested with powers to hear, try, and decide all civil suits arising in the four sircars composing the zemindarry of Benares, with the exception of the city of Benares and the towns of Mirzapoor, Ghazeepoor, and Juanpoor. The Moolky Foujdarry Adawlut was vested with a co-extensive criminal jurisdiction; and both of these courts were placed so far under the superintendence of the resident, that appeals lay to him from the former, and the futwahs or sentences of the latter were rendered subject to his revision. The same application of the Mahomedan and Hindoo laws was directed to be observed in these courts as in the other established courts above mentioned.

Extent of the jurisdiction of these courts.

Rules passed on the 18th January, 1789.

XV. *First.* On the 18th of January, 1789, the rules contained in the following clauses were prescribed for the guidance of the Moolky Dewanny Adawlut,

Term limited for causes being actionable in the Moolky Dewanny Adawlut.

Second. The judge was authorized to take cognizance of such civil actions coming within the cognizance of the court, as had originated within the twelve years previous to the 26th of November, 1788; but he was ordered not to hear causes of older date, unless they were referred to him for that purpose.

In respect to prosecutions for lands and zemindarry rights.

Third. In consequence of the Regulation passed by Government on the 11th of April, 1788, the court was prohibited from taking cognizance of claims to lands and zemindarry rights, where the party had been dis-

possessed antecedent to the 1st of July, 1775, answering to the Fussily year 1182.

Fourth. Causes relating to the collection of the revenue were declared not cognizable in this court, unless referred to it.

Causes relative to the revenue.

Fifth. The court was prohibited from administering any of the oaths described in the books of the Hindoos, excepting the oath on the water of the Ganges.

Form of oath to be used in this court.

Sixth. Orders for possession of land awarded by decrees of this court were directed to be issued from the office of the resident on the parties exhibiting the decrees.

How decrees for landed property were to be executed.

Seventh. The process of this court for summoning witnesses and parties was directed to be served through the aumils and jaghiredars, and any neglect on the part of the said officers and persons in executing the process was punishable by a fine to be imposed by the resident.

Process of this court in regard to summoning parties and witnesses.

Eighth. In cases in which the party cast might plead inability to pay the amount adjudged against him, the judge was instructed to propose the liquidation of it by a kistbundy to be agreed to by the parties, taking security for the kists or instalments being duly discharged. In the event of failure in the payment of the instalments, and of the party cast not appealing to the Court of Appeal, he was to be detained in gaol for three months, at the expiration of which period the judge was to receive from the plaintiff, and to report to the resident, the means possessed by the defendant for the liquidation of the claim adjudged against him, and to wait the resident's instructions.

Rule for the enforcement of decrees.

Ninth. The judge was authorized to punish contempts committed in open court by a fine not exceeding ten rupees, and by committing the party to custody until the fine was paid; and in case of the party guilty of the contempt being unable to pay the fine from indigence, the judge was allowed to punish him by the infliction of any number of stripes, not exceeding fifteen. On the 2nd April, 1794, the court was authorized to dismiss the claim of the party for such contempts, but without depriving him of his right to have recourse for a further hearing to the Court of Appeal.

Punishment of contempts.

XVI. To abolish the practice which had more or less obtained in different parts of the zemindarry, of creditors seizing on the persons of their debtors and detaining them in confinement until their claims were satisfied, a proclamation prohibiting this abuse was issued by order of the Governor-General in Council, on the 13th of July, 1789, in which it was declared, that any person convicted in a court of justice of having confined another on account of debt, should forfeit all claim to such debt, or be subject to the payment of such a sum of money as damages to the person confined, as the court might think proper to award upon a consideration of the circumstances of the case. This rule was notified to the judges of the several courts for their information and guidance.

Penalty for creditors seizing on and confining the persons of their debtors.

XVII. On a consideration of the nature of mortgage-deeds, on the 28th of August, 1789, it was made a general rule for the guidance of all the courts, that suits preferred relative to writings of this description by any parties interested therein, should not be restricted to any limitation in point of time, but be allowed to go to issue on their merits, with the exception specified in Clause Eighth, Section XXXV.

Rule in respect to suits founded on deeds of mortgage.

Oaths of the judges of the Moolky Adawluts.

XVIII. On the 18th of September, 1789, the judges of the Moolky Dewanny and Moolky Foujdarry Adawluts were sworn into their offices, their oath of office being to the same purport as that taken by the judges of the towns of Ghazeepoor, Juanpoor, and Mirzapoor.

Judges of the several courts to receive and try all complaints and suits preferred agreeably to the Regulations.

XIX. On the 21st of November, 1789, the judges of the several courts were directed to receive, try, and decide all suits according to the Regulations, without waiting for, or making any plea of delay, for their not being referred for that purpose by the resident, as no such references would be made in future, excepting in cases of complaint for undue delay or denial of justice, or other apparent irregularity in the courts.

Pottahs not to be considered as fixing the proprietary right in lands.

XX. On the 12th of December, 1789, on the forming of the general settlement of the public revenue to be paid from the lands throughout the zemindarry, the judge of the Moolky Dewanny Adawlut was informed, that the pottahs then issued not being meant to fix the proprietary right in lands, but only to ascertain the revenue payable from each estate, he was therefore not to consider those deeds of settlement as any bar to the admission of suits preferred in conformity to the Regulations respecting the proprietary right in such estates. To this effect engagements were taken from the parties with whom the settlement was made, as specified in Section XVI. Regulation II. 1795.

Rule for the Moolky Dewanny Court, in cases in which defendants could not be found or refused to attend.

XXI. On the 2nd of January, 1790, the following rule was passed for the guidance of the Moolky Dewanny Adawlut: that where a defendant shall have absconded, and is not after diligent search to be found, the judge shall cause a written notice to be stuck up in the court-room, and also send a copy thereof to the aumil of the district in which such defendant lives, to be posted on the door of the house in which such defendant may reside, specifying that if he shall not appear to defend the suit on or before the expiration of one month from the date and issuing of such publication, the cause shall be heard and decided on the evidence which may be adduced on behalf of the plaintiff. On the 15th June, 1792, a similar rule was extended to persons refusing to attend the court after a summons had been duly served on them.

Rules and restrictions for the guidance of the Moolky Dewanny Adawlut in respect to zemindarry claims.

XXII. *First.* To prevent the evils and inconveniences likely to arise from the great prevalence of the spirit of litigation between parties claiming to be restored to zemindarry rights, the following rules were passed on the 21st of March, 1790, for the guidance of the judge of the Moolky Dewanny Adawlut.

Zemindars when defendants may attend in person or by vakeel.

Second. "1*st.* No zemindar shall be required to attend in person to defend any suit which may be instituted against him, but the summons shall express that he may appear for that purpose in person or by his authorized vakeel.

Mochulka to be executed by claimants to zemindarry rights.

Third. "2*nd.* Before any process is issued for summoning a zemindar or his vakeel, in any suit relative to the proprietary right in his zemindarry, a mochulka is to be taken from the claimant, specifying in what year since 1182, Fussily, he had possession, either as a partner with or in exclusion of the party now in possession. The mochulka is to express in the body of it, that if the period of the plaintiff's possession therein

specified prove untrue, his suit for that cause alone shall be dismissed, and until this mochulka be entered into, no summons or process shall issue against the defendant.

Fourth. "*3rd.* After executing such mochulka, the plaintiffs are further to enter into such security as the court shall deem sufficient, to pay, in case they ultimately fail in their suits, such damages to the zemindar who is the defendant, as the prosecution of their unjust complaint shall have occasioned to him; the amount of which damages is to be adjudged by the court on the decision of every such suit, and recovered in like manner as all other decrees for sums of money are directed to be carried into execution.

Security for damages to be entered into by claimants to zemindarries.

Fifth. "*4th.* In case of the plaintiffs mentioned in the two preceding articles refusing to enter into the required mochulka and security, their claims are to be dismissed, and the process in all such zemindarry causes now depending in the court is to be suspended until the security above required be entered into, after which they are to be proceeded with, or, if not entered into, such causes are to be likewise dismissed. The parties, however, in all such causes as may be so dismissed, shall have the option of appealing to the Court of Appeal."

Defaults for which claims to zemindarries are to be dismissed.

XXIII. On the 10th of July and 3rd of September, 1790, it was made a rule, in addition to the rule contained in Clause Sixth, Section XV. that the judge of the Moolky Dewanny Adawlut should advise the resident of all decrees passed by him, adjudging the possession of any zemindarry or other landed estate, whether paying revenue or held exempt from the payment of revenue.

Decrees relative to zemindarries to be reported to the resident.

XXIV. Under the authority of an order passed by the Governor-General in Council, on the 1st of July, 1789, the resident having authorized the judge of the City Court of Benares to receive, from the 22nd of September following, a russoom or commission of one per cent. on the amount of claims preferred in civil suits instituted in that court, the following rules for levying it were adopted on the 5th of August, 1790. Where the cause or claim was for ready money, the prescribed russoom was directed to be levied on the amount; but on claims for malguzarry land, the russoom was ordered to be calculated on the annual revenue payable to Government; and on claims for lakheraj lands, on ten times the amount of the annual produce; and on claims for ayma lands paying a quit-rent to Government, on twenty times the amount of the annual quit-rent; and on claims for houses and gardens, on the price specified in the bill of sale, or where there was no bill of sale, on the current value of the property, to be ascertained by inquiry, or from the opinion of two creditable builders who were to report the value of it to the Adawlut on oath. Such russoom was directed to be paid in deposit by the plaintiff at the time of filing his bill of plaint, but in the event of the decree being given against the defendant, and the whole of the money or property demanded by the complainant being decreed to the plaintiff, a sum equal to the deposit was to be awarded to the plaintiff, and added to the decree given in his favour; but if part only of the plaintiff's claim was decreed to him, a sum bearing the same proportion to the money or value of the thing decreed as the deposit did to the demand laid in the complaint, was

Rules for levying a russoom or commission on causes tried in the City Court.

ordered to be adjudged and added to the decree, and recovered from the defendant, in the same manner as any other money, or the value of property, which might be awarded against him.

Appeals not to lie from the awards of arbitrators. Exception.

XXV. On the 30th of August, 1790, it was ordered that appeals should not lie from decrees founded on the awards of arbitrators, unless the party desirous to appeal should establish, by the evidence of two credible witnesses, corruption, or gross partiality, against the arbitrators.

Length of intermediate possession required to found a decision on for zemindarry rights.

XXVI. On a query submitted by the judge of the Moolky Dewanny Adawlut, respecting the term of intermediate possession subsequent to the period of limitation specified in Clause Third, Section XV. which should be construed as entitling a person to prosecute for permanent reinstatement, the resident, on the 4th of September, 1790, informed him, that possession during one year since such period, and the prosecuting party having closed the collections, were necessary for that purpose, and that an interrupted tenure of one, two, or four, or more months, was not to be considered sufficient.

Further rules as securities in suits.

XXVII. On the 11th of September, 1790, the several courts (excepting the court for the city of Benares) were instructed by the resident to take hazir-zaminy, or security for the appearance of all plaintiffs in civil suits; and they were further informed, that (besides the security required in zemindarry suits by Section XXII.) the sureties for the defendants were to be bound not only for the parties being forthcoming, but that such defendants, after the court's judgment had passed, should either abide by and perform the requisitions thereof, or appeal from it according to the Regulations; in default of which, such surety or sureties were to stand engaged to make good whatever part of the plaintiff's claim should have been so established. This rule was extended to the court of the city of Benares.

Vakeels of aumils not to practise as court vakeels.

XXVIII. On the 19th of September, 1790, the vakeels of aumils were prohibited from practising as vakeels in the Moolky Dewanny Adawlut.

Canongoes to hold the temporary management of lands sequestered by the Adawlut.

XXIX. To save the expense of management to parties prosecuting for zemindarries, the Moolky Dewanny Adawlut was instructed, on the 21st of October, 1790, to make it a general rule to appoint the canongoes to hold the charge of such revenue lands as might, under the process of that court, be temporarily attached pending the suit, in consequence of the nature of the tenure of the litigating parties.

Prohibition of the use of certain oaths in the practice of the courts.

XXX. The judge of the Moolky Dewanny Adawlut having requested to be informed whether in the practice of the court he might admit the oaths in use amongst the Hindoos, which rest the proof of the fact to be determined by the contingency of any evil or misfortune befalling, within a certain number of days, the family connections, or property of the party swearing, he was acquainted, on the 1st of February, 1791, that such oaths were not to be admitted.

Restrictive rule in

XXXI. On the 14th of February, 1791, the Moolky Dewanny Adawlut

was prohibited from taking cognizance of claims to zemindarries in the rajah's family pergunnah of Kuswar, unless such claims were expressly referred to it for that purpose.

respect to zemindarry claims in Kuswar

XXXII. In the case of a zemindarry the property of Mahomedans, in which there were several partners, but which was held and managed by one of them as the principal, who made his partners some allowance out of the produce, but not in proportion to their respective shares, the judge of the Moolky Dewanny Adawlut having, on the 3rd April, 1791, desired to know whether the claim of the partners to be put in possession of their full shares might be admitted, he was answered in the negative, and that such partners could not be entitled to any thing more than they had enjoyed within the period limited in Clause Third, Section XV. for the general restoration of landholders.

Application of the rules in respect to zemindarry rights against claimants prosecuting for larger interests therein than they held previous to the period of limitation.

XXXIII. The restoration of the village zemindars at the conclusion of the permanent settlement in the year 1197, corresponding with the years 1790-91, having given rise to many disputes between them concerning the boundaries of their several estates, a proclamation was issued on the 7th of April, 1791, declaring that all lands and ground were to remain as they stood annexed and possessed up to the year 1182, Fussily (ending in September, 1775), and that no claims were to be admitted contrary to this principle; with the exception of such cases as having originated antecedently to the year in question, were then still in a course of inquiry, either by arbitration or otherwise, under the authority of the existing native Government, and still remained unadjusted: in such cases, it was determined that the resident, on the application of the parties, might refer the hearing of the cause to the Adawlut, which was thereon to take cognizance of the suit, and to decide it according to justice, without reference to the period of limitation.

Period of limitation in regard to disputed boundaries.

Exception.

XXXIV. On the 18th May, 1791, the rules in Section XXIV. for levying russoom or commission on civil suits were extended to all the other courts within the zemindarry, including the Court of Appeal.

Rule made general for levying russoom or commission on causes.

XXXV. *First.* In continuation of the provisions in Sections XV. XXVI. and XXXII. for ascertaining the right of dispossessed zemindars to prosecute for their reinstatement, the further rules in the following clauses were passed on the 5th of June, 1791, for the guidance of the Moolky Dewanny Adawlut.

Further rules for the guidance of the Moolky Dewanny Adawlut, in respect to suits for the recovery of zemindarry rights.

Second. The possession, within the period limited in Clause Third, Section XV. of any one or more of the putteedars or sharers, in any one or more puttees or shares in a talooka, village, or zemindarry, either as zemindar or farmer, is to entitle to restoration all the other persons having a right to claim as putteedars of that talooka, village, or zemindarry, whether such puttees were distinct or common.

Putteedars entitled to claim reinstatement, on the foundation of any of their brethren having held possession within the limited period, either as landholders or farmers;

Third. Possession, within the period limited in Section XV. is to entitle to restoration the partners of any putteedar, or partner, having held such possession, although the putteedar in whose person the right shall thus have been obtained may not think fit to join the other putteedars in suing for it.

and whether or not the putteedar in whose right the claim is preferred shall think fit to join in it.

Circumstance under which maliks or proprietors may exclude farmers who are joint tenants with them.

Fourth. In the case of a malik or proprietor of land being in possession as a farmer in partnership with another, who claims no right of property but who holds merely as a farmer, the renting partner, who is also malik or proprietor, on indemnifying his farming partner for all losses he may, in the judgment of the court, have sustained by the tenure, shall be competent to remain singly in possession, as proprietor, to the exclusion of the farming partner.

Any putteedars regaining possession to entitle all the others to reinstatement, how long soever dispossessed, and whether the party, in virtue of whose right from possession the claim is made, be alive or dead.

Fifth. Any putteedar or partner regaining possession, is to entitle all the other putteedars to re-enter likewise, although these last may not have held possession within the period limited under Section XV.

Sixth. The heirs of deceased zemindars, who shall have had possession within the period limited under Section XV. may sue for, and are entitled to restoration.

Separations and annexations of land prior to 1182, Fussily, not alterable.

Seventh. No zemindar shall be entitled, in consequence of his restoration to any village or estate, to recover by suit in the Adawlut lands alleged by him to belong to such village, but which shall be known to have been separated therefrom and annexed to another estate, previous to the period limited for the general restoration of landholders in Section XV.

Claims to reinstatement founded on deeds of mortgage are to be rejected; residuary claim vesting in respect to such redeemed mortgages.

Eighth. Claims to land founded on the redemption of the mortgage thereof, but of which neither of the parties concerned in the transaction of such mortgage shall have been in possession within the period limited for the general restoration of the landholders under Section XV. are to be rejected; but such parties who shall thus have redeemed their own or their forefathers' zemindarries will be nevertheless entitled to restoration, under Section III. Regulation I. 1795, on the existing lease being avoided by the death, resignation, or removal of the farmer.

Rules for ascertaining the right to independence or separation, in the case of village zemindars paying their revenue through a talookdar.

Ninth. In the event of a talookdar, previous to the period limited for the general restoration of landholders in Section XV. having taken in farm any part of, or the entire lands of another proprietor, who shall have since continued to pay the revenue of such lands to the said talookdar, or through such talookdar to Government, the landholder so situated shall not be entitled to be rendered independent of such talookdar, unless he shall have paid his revenue separately from such superior during one complete year, within the period limited in Section XV.

Putteedars acquiescing in inferior interests within the period fixed for reinstatement to be bound thereby.

Tenth. In the event of one of the putteedars, within the period limited for the general restoration of landholders in Section XV. having contracted as a principal for the revenue with Government, and made to his putteedars or sharers some allowance in consideration of their right in the estate, this situation is not to entitle them to prosecute for personal possession or management of any part of such estate, or other or superior rights to those in which they had acquiesced.

Possession by agency to be considered the same in respect to the right to reinstatement as direct occupancy.

Eleventh. If a landholder prosecuting for restoration shall establish, to the satisfaction of the court, that he has bonâ fide held possession, although not in his own name but by another acting on his part as farmer or renter of the lands sued for, he shall thereby become entitled to reinstatement, in the same manner as if the tenure had been in his own name; unless the party thus suing shall be one of the dispossessed aymadars, or one of their heirs, to the reinstatement of whom an exception is made in Regulation II. 1795.

Exception as to certain aymadars.

What shall be deem-

Twelfth. In cases of claims to the property in houses, if the claimant

shall prove that, at any time within the period limited for rendering such cases cognizable under Clause Second, Section XV. he in anywise contested the right with the party in possession, it is to be considered sufficient to render his suit cognizable in the Adawlut.

ed as a saving claim in respect to houses,

Thirteenth. The recovery, within the period referred to in the last clause, of any part of a loan made previous thereto, is in like manner to entitle the creditor to prosecute for the residue of the debt, as in the cases specified in Section XII.

and in respect to claims of debt.

Fourteenth. The allegation of any dispossessed landholder, of his having received from the party in possession of the lands claimed by him, some consideration in money, or ground, as malikanah, is not to be held sufficient to entitle such party or parties to prosecute for reinstatement, if he or they shall not have had possession and paid the revenue for one complete year, within the period limited for the general restoration of landholders in Section XV.

The receipt of any consideration in money or malikanah, within the period of limitation prescribed in Sec. xv., not to entitle a claimant to reinstatement in the land.

Fifteenth. In the event of a widow, previous to the term limited under Section XV. having been left by the heirs of her late husband in the enjoyment of his estate for the period of her own life, the circumstance of such arrangement having thus taken place antecedently to the period for rendering causes actionable is not to be a bar to the husband's relations prosecuting those of the widow to recover from them her husband's estate, as the cause of action was to be considered to have arisen from the date of such widow's demise.

Contingencies provided for anterior to, but occurring after the period of limitation for reinstatement, to be construed in favour of the claim.

XXXVI. *First.* On the 2nd of July, 1791, the following further clauses were added to the rules specified in Sections X. and XI. for appealing from the decisions of the several courts.

Additional rule in respect to the process of causes in appeal.

Second. Appeals are to be dismissed, if the russoom, and the security required from the parties presenting them, be not delivered in within ten days after the presenting the petition of appeal.

Third. Appellants neglecting to proceed with their appeals during fourteen days, or departing from the court without leave, shall be liable to have their appeals dismissed, as specified in Clause Second, Section X.

XXXVII. In a prosecution instituted on behalf of the parties interested in a bill of sale for land conveyed to the party in possession, under circumstances from which the prosecutors argued the invalidity of such deed of conveyance, the judge of the Moolky Dewanny Adawlut passed a decree dismissing the suit, under the rules in Clause Third, Section XV.; it was signified to him by the resident, on the 17th of July, 1791, that the rules in question, as far as regarded landed property, having been enacted to regulate the admission or rejection of claims to zemindarry rights that had been resumed by the preceding native Government, and not having in view the claims of landholders or of individuals against each other, on pleas such as the present, of compulsive bills of sale, he was therefore desired to resume the hearing of this cause, and to try it on its merits, and of course all other causes in a similar predicament.

Rule in respect to cases founded on compulsive or irregular bills of sale passed since the Company's acquisition of the zemindarry in 1182, Fussily.

XXXVIII. To enable the resident to ascertain whether there were any suits, the circumstances of which, on principles of equity, might entitle the parties to have them referred for trial under the discretionary power vested

Causes dismissed to be reported.

in the resident by Clause Second, Section XV. the judge of the Moolky Dewanny Adawlut was directed, on the 3rd and 15th of August, 1791, to make a report to the resident of all causes then about to be dismissed under the rule of limitation, and to direct the parties themselves to show cause to the resident why their suits should not be dismissed, that he might pass such order thereon as might seem to him proper.

General rule for plaintiffs to enter into securities to pay such costs and damages as might be awarded.

XXXIX. The resident considering the hardship under which defendants in causes laboured, from there being hitherto no settled mode (except in zemindarry causes) of indemnifying them for the costs and charges incurred in the defence of unjust claims preferred against them, on the 14th of October, 1791, a circular order was issued to all the Adawluts, to the same purport as the provision made for the guidance of the Moolky Dewanny Adawlut in respect to zemindarry causes, under Clause Fourth, Section XXII. And on the 30th of October, 1791, it was ordered, that until such security be given, the defendant is not to be summoned, nor the plaintiff's petition to be proceeded on, except in cases in which the judge may think it probable that the plaintiff prefers a just claim, but from indigence is unable to deliver in the required security.

Golah oath allowed of under certain restrictions, in respect to boundary disputes.

XL. On the 14th of October, 1791, the Governor-General in Council was pleased to authorize the resident to admit of the mode of trial by the golah oath, for the adjustment of disputed boundaries, in cases in which the parties, without having recourse to the regular process of the Adawluts, should voluntarily prefer this mode of decision.

Evidence of Hindoos to be valid in regard to Mahomedans.

XLI. On a question submitted by the judge of the Moolky Dewanny Adawlut, stating that according to the Mussulman law the evidence of Hindoos could not be legally received in causes relative to Mahomedans, and requesting instructions how to proceed; in consequence, the resident acquainted him, on the 22nd of March, 1792, that in consideration of the state of society in this country, it was necessary to receive as valid the evidence of Hindoos in the causes of Mahomedans.

Judge not to correspond with suitors.

XLII. On the 18th of March, 1794, in consequence of orders to that effect passed by the Governor-General in Council on the 7th of the same month, the several courts were prohibited from corresponding with parties in causes, who were required to submit their representations to the court, either in person or by vakeel; on which the judges, respectively, were directed to pass such orders as they might think fit, leaving it to the suitors to have recourse to the Court of Appeal if they were dissatisfied with the orders so passed.

Engagements to be taken from Europeans prosecuting natives.

XLIII. On the same date, the courts were advised of the orders passed by Government on the 7th of March, 1792, and furnished with the form of the security bond to be entered into by all Europeans, who might institute any suit against a native or natives in the courts in question, according to the prescribed form in Regulation XXVIII. 1793, extended to the province of Benares by Regulation XXIV. 1795.

Mode of redeeming mortgaged land.

XLIV. On the 26th of March, 1794, it was made a general rule, that

all persons desirous of redeeming mortgaged land should apply for that purpose to the Moolky Dewanny Adawlut, or to the court having the local jurisdiction, that the accounts of the mortgage being adjusted and any balance due discharged, the mortgage might be declared redeemed and that on notice thereof from the proper court, the resident might cause possession of the property to be delivered to the party thereby become entitled to it.

Parties not to sue in the courts in which they are judges or officers.

XLV. On the 1st of April, 1794, a rule was made to prevent the cause of any officer or servant of the several courts from being tried in the court to which he might be attached. Such causes were directed to be referred by the court, after the sanction of the Court of Appeal had been obtained for that purpose, to be heard in one of the other courts. This rule was also occasionally observed in instances where the parties applied to have their causes transferred from the court of one jurisdiction to that of another, under the plea that they expected to obtain a more speedy or just decision of their suits.

Time limited in respect to the sale of houses under decrees of the Adawluts.

XLVI. On the 4th of August, 1794, it was made a general rule for the guidance of the courts, that the notice to be given of the sale of houses in satisfaction of decrees should not be less than fifteen days, and that this notice should be given by public advertisement, so as to allow sufficient time for parties who might have claims on such property to be apprised of the intended sale, and to prefer any objection they might have to offer to its taking place.

Rule in respect to the redemption of lands sold to aumils for balances.

XLVII. On the 4th of January, 1795, the rule established under Clause Third, Section XV. Regulation II. 1795, relative to such bills of sale as might have been made to aumils for balances of the public revenue up to the 19th of September, 1794, (when such conveyances were altogether prohibited), was communicated for the information and guidance of the Moolky Dewanny Adawlut.

Further general rules for limiting the period within which causes are cognizable by the several courts.

XLVIII. On the 5th and 8th of September, 1794, in pursuance of orders from the Governor-General in Council under date the 15th of August preceding, the City Court of Benares was restricted from entertaining suits in which the cause of action was of older date than twelve years; and with a view to reduce to one uniform rule the several orders relating to this period of limitation in respect to the other courts, as already stated under Sections VIII. and XV. a circular order and notification was written, on the 13th of January, 1795, to the Moolky Dewanny Adawlut, and to the Dewanny Courts of Mirzapoor, Juanpoor, and Ghazeepoor, prohibiting them from hearing claims of longer standing than twelve years, with the exceptions in regard to mortgages and bonds already specified under Sections XII. and XVII. and to zemindarry rights and claims to lands, as separately limited in the preceding sections of this Regulation; but at the same time providing, that when the complainant can show, by clear and positive proof, that he had made demand of the sum or matter in question, and that the defendant had admitted the demand, or promised to pay the money, or that he directly preferred his claim for the matter in dispute to the hakim-ul-wukt, or magistrate for

the time being, within that period, and without any default on his part that the suit had not been proceeded with; or show that, either from minority or other good and sufficient cause, he had been precluded from the means of procuring redress. All causes under these circumstances were to be heard, inclusive of all such claims as should be referred for that purpose by the Court of Appeal, and instructions to the same effect were issued to the City Court.

Cases in which the requisition of securities in civil suits is to be dispensed with.

XLIX. On the 13th of January, 1795, the rules in Section X. Regulation VIII. 1795, for dispensing with security in civil suits in the case therein mentioned, were issued to the City Court and to the Moolky Dewanny Adawlut.

Rule relative to the lands formerly purchased by Abdullah, in the district of Ghazeepoor.

L. On the 19th of February, 1795, the judge of the Moolky Dewanny Adawlut represented that Sheikh Abdullah, the father of Ali Azeem Khan, having heretofore purchased several villages from the ancient zemindars in the sircar of Ghazeepoor, and the heirs of the latter having nevertheless obtained pottahs for such lands, at the conclusion of the permanent settlement in 1197, Fussily, such pottah-holders, or some of them, in bar to prosecutions being instituted against them by parties claiming to be their partners, alleged that, in consequence of their ancestors having sold the lands in question as aforesaid, they could be considered only as farmers, although the pottahs they had obtained were for zemindarry tenures. The judge desiring instructions on this point, he was informed that, under the orders of Government of the 11th of April, 1788, Sheikh Abdullah's purchases had been deemed void; and that, in consideration thereof, his representative, the above-named Ali Azeem Kkan, now received a pension from Government, as reported by the resident in his letter to the Governor-General in Council of the 15th of May, 1788, and therefore that he was to admit the said suits, and to hear, try, and decide them, according to the letter and import of the zemindarry pottahs held by the present incumbents.

Further rules as to issuing decrees;

LI. *First.* The City Court of Benares was instructed to deliver or tender to all parties in civil suits, authentic copies of the decrees which might be passed in their causes, within eight days after the same might be passed, endorsing thereon the refusal of such of the parties as might decline to accept them; and this rule, as far as regarded the delivery of copies of the decrees, was subsequently extended to all causes previously decided. Similar instructions were given to all the other civil courts in the province.

as to receiving appeals,

Second. On the 7th February, 1795, it was made a rule, that no petition of appeal should be admitted, unless the party had previously applied for, and obtained a copy of the decree desired to be appealed from.

and as to appellants filing their objections.

Third. It was likewise made a rule, that appellants should deliver in their objections to the decree of the lower court within a fortnight after the admission of the appeal, or their appeals should be dismissed, in conformity to the spirit of the original rule to that effect in Clause Second, Section X. and of the further order in Clause Second, Section XXXVI.

LII. Under the rule contained in Section XLV. the resident occasionally referred civil causes, to be tried by the same process as in the civil courts, to the Moolky Foujdarry Adawlut. This court, however, had jurisdiction only in such suits of this description as were expressly referred to it by the resident.

Instances of civil causes referred to the Moolky Foujdarry Adawlut.

LIII. The rules in this section and the eight following sections relative to the opium contract were issued for the information and guidance of the courts of justice.

Rules for the guidance of the courts of justice, in respect to the opium contract and the rights of the contractor.

LIV. On the 21st of March, 1790, the advertisement published by the Governor-General in Council, under date the 19th of February preceding, was transmitted for the information and guidance of the Courts of Adawlut, in respect to that clause of it which prescribes the levying from natives a fine of three hundred and seventy-five rupees (half to be paid to the informer and the other moiety to Government), for every maund of opium which they might be proved to have procured or provided, contrary to the Regulations for limiting the provision of that article to the contractor.

Penalty provided against the illicit provision of opium.

LV. *First.* On the 5th of May, 1790, the following summary of certain of the clauses of the then existing contract, and the Regulations for the provision of opium within the zemindarry, was transmitted to the several courts for their information and guidance.

Summary of the conditions of the existing contract.

Second. "1*st.* The contractor is to pay to the ryots or cultivators for their opium at the rate of two Benares sicca rupees and eight annas per seer, each seer to weigh ninety-six Benares sicca rupees, and to make them advances in the former established mode, and to deduct one chuttack per seer (equal to two seers and a half per maund) in consideration of the moistness of the crude opium when delivered into the godown.

Third. "2*nd.* When the poppy has attained the proper growth, the quantity of opium produced is to be ascertained on the spot by the officer of the contractor, in concert with two or three creditable cultivators, who are to assist in forming the estimate. The cultivator is to execute an engagement to deliver the estimated quantity, together with any surplus which may be produced.

Fourth. "3*rd.* The opium is to be fairly weighed by weights bearing the mark of the resident, in the mode termed dherm dundy, so as to preclude the agents of the contractors from attempting to exact undue weight.

Fifth. "4*th.* In cases in which the short deliveries of the ryot shall appear to have proceeded from calamity of season or other accident, and not from any neglect or fault on his part, the courts shall only adjudge him to restore a proportionate part of the advances made to him, with interest at the rate of eight per cent. per annum; if it shall be proved that the short deliveries have been owing to the negligence or other fault of the cultivator, he shall restore such proportional advance, with interest at the rate of twelve per cent. per annum; if it be proved that short deliveries have originated in the cultivator's having embezzled or

illegally disposed of the opium, he shall be subject to the payment of a fine of four sicca rupees per seer, and the opium shall be seized and confiscated; or if it cannot be found, the court shall award a fine of ten sicca rupees per seer.

Sixth. "*5th.* The above price of the commodity is to be paid to the ryots in full, without any deduction being made by the officers of the contractor for tulbana, batta, aret, interest, or on any other plea or pretext whatsoever, under the penalty of the contractors being subject, on proof of any such deductions or exactions, to pay a fine of three times the amount of them."

Further rules for the guidance of the courts on this subject.

LVI. *First.* On the 18th of May, 1790, the judge of the Moolky Dewanny Adawlut having submitted certain queries, respecting the opium contract, the resident furnished him with the following instructions, as appearing to him consistent with the spirit of the conditions of the contract.

Penalty for ryots disposing of the opium otherwise than to the contractor,

Second. In the event of a ryot selling the crude opium to any person excepting the contractor, such ryot, although the opium thus sold should be above or exclusive of the koot, or quantity estimated to be deliverable, under Clause Third, Section LV. is to incur a penalty of four rupees per seer in addition to the confiscation of the opium, or if the opium cannot be seized, ten rupees per seer.

or the produce of former years.

Third. For opium the produce of former years, sold otherwise than to the contractor, a fine of three hundred and seventy-five rupees per maund is to be levied from the seller, according to the proclamation published by the Governor-General in Council on the 19th of February, 1790.

Penalty against purchasers.

Fourth. Persons buying any quantity of opium from the growers, or otherwise than from the contractors, are to be liable to the payment of a fine of three hundred and seventy-five rupees per maund.

Fifth. These instructions were approved by the Governor-General in Council on the 28th of May, 1790, and were accordingly circulated for the guidance of the other courts.

Further order directing that, in addition to the penalty, the confiscation shall also take place of the opium of former years' produce attempted to be illicitly sold.

LVII. On the 24th of May, 1790, on a further query from the judge of the Moolky Dewanny Adawlut, the resident informed him that the penalty for dealing in opium the produce of former years, as specified in Clause Third, Section LVI. was to extend only to the fine therein specified, and not to the confiscation of the opium. But on this answer being submitted to the Governor-General in Council, he determined on the 2nd of June, 1790, that the opium therein described should be confiscated, in addition to the exaction of the penalty, and the several courts were advised accordingly.

Consequences and penalty of bringing Behar or Oude opium to Benares.

LVIII. *First.* On the 17th of June, 1790, the resident transmitted the following answers to certain questions submitted to him by the judge of the Adawlut at Ghazeepoor.

Second. "That in the event of opium, the produce of the dominions of the Nawaub Vizier, being seized in the zemindarry of Benares, and the owner pleading ignorance of the Regulations existing against its importation, he shall be permitted to retain it, on entering into good security that he will not dispose of it in the zemindarry excepting to the contractor;

but that if opium the produce of Behar should be so seized, it was to be confiscated, and the fine thereon levied according to the proclamation issued by the Governor-General in Council, on the 19th of February, 1790."

Opium contractor to carry on suits relative to his contract, without incurring the expense of russoom or commission.

LIX. On the 17th of September, 1791, a rule was passed by the resident, allowing the opium contractor to prosecute suits relative to his contract, without the payment of the russoom or commission on the amount of his claims. This rule was confirmed by the Governor-General in Council, on the 25th of April, 1794.

Further queries from the Moolky Dewanny Adawlut in respect to the contractor's prosecutions for embezzlements and malversations, by his servants in the opium department.

LX. *First.* In December, 1790, the judge of the Moolky Dewanny Adawlut reported to the resident the circumstances under which certain prosecutions had been brought by the opium contractor against his servants for alleged frauds and embezzlements, and desired that rules might be prescribed for his guidance, as those already issued did not appear to him to apply to the cases under litigation, which were as follow. 1st. For injuring the contractor in raising, or allowing to be grown other articles, such as gool masuffer, in the poppy-grounds, to the diminution of the produce in opium. 2ndly. For embezzlements, by granting false receipts for, and making false entries of deliveries of the crude opium. 3rdly. For embezzlements of cash, undue detention of the contractor's money, on plea of arrears of wages. The following rules were passed respecting the above cases on the 31st of December, 1790:

Rules thereon.

Second. "1*st.* If it has always been customary to sow gool masuffer among the opium, and it shall not appear that the plaintiff prohibited this practice, the defendant is not liable to any special penalty on this account. But if the sowing of this article be a new practice, introduced by the agent of the contractor for his own advantage, in such case an estimate is to be made of the diminution of the produce of opium thereby occasioned, and the value of such opium, appreciated at the bazar or market price, is to be awarded to the plaintiff.

Penalty for diminishing the opium produce by unduly mixing other articles of growth in the poppy-beds.

For fraudulent entries and misstated deliveries of the crude material.

Third. "2*nd.* With regard to embezzlements committed by the servants of the contractor, by their passing undue receipts for and entries of opium or otherwise, as the Regulations against smuggling did not appear to apply to such frauds, the judge was instructed to award against the defaulters a penalty equal to twice the bazar value of the opium ascertained to have been so embezzled.

Servants to be secured in the receipt of their wages, and to render accounts.

Fourth. "3*rd.* At the same time that the servants of the contractor are subjected to the above penalties, they are to be secured in the receipt of their full wages whilst in office, that is, until the period of their being replaced by their successors, and are to be considered bound to render a fair and just account of all sums or advances made to them by the contractor."

Rule as to the bazar value.

LXI. The judge of the Moolky Dewanny Adawlut having applied to the resident to know whether by the term of the bazar value in Clause Third, Section LX. that of the city of Benares, or the price paid by the contractors to the ryots, was to be understood, he was informed, on the 3rd of February, 1791, that the opium was to be estimated according to its value in the bazar of Benares. This rule and that contained in Clause Third,

Section LX. in consideration of the various circumstances under which these frauds were committed, so as to render one specific or general penalty inapplicable to each of them, were rescinded; and, in lieu thereof, the judge was directed to award in all cases of this description such penalty for any fraud or frauds, or opium embezzlements, committed by the contractor's servants, as by the law of the religion of the party prosecuted might be ascertained to be equitable, according to the circumstances of each case, as established on the trial.

Repeal of this rule, and penalties in such cases to be in conformity to the law of the religion of the party prosecuted.

Penalties against illicit buyers declared to be the same as against the sellers.

LXII. The judge of the Moolky Dewanny Adawlut, in consequence of certain suits instituted in the court, having represented that, although he had been instructed respecting the penalties that were to be levied for the illicit sale of opium, yet that those against buying that article had not been fixed, he was directed, on the 28th May, 1792, to adjudge the same penalties against the purchaser as were prescribed for the seller. This order was in conformity to the proclamation issued by the Governor-General in Council, under date the 4th of March, 1791, which had been previously circulated to all the aumils for general information on the 9th of April, 1791, and was afterwards communicated to the several courts, under date the 9th of June, 1792; with instructions to cause to be paid, in the instance of the purchasers therein specified, one-half the fine to the informer and the other moiety to Government; but to pay to the contractor, as before, the whole of the fine leviable from the ryot disposing of the opium. These further instructions were approved by the Governor-General in Council on the 29th of the same month and year, and by his orders of this date, not only ryots embezzling or disposing of opium otherwise than to the contractor are declared subject to the penalties specified in Clause Fifth, Section LV. and Clause Second, Section LVI.; but all zemindars, talookdars, or other landholders (when not themselves the purchasers or possessors of the opium, in which case they will be subject to the same penalties as ryots carrying on an illicit traffic in opium) are to be liable to a penalty of ten rupees per seer, for all smuggled opium that may be proved to have been sold within the limits of their lands, with their connivance or knowledge.

Mode of appropriation of the penalties incurred by parties purchasing opium clandestinely.

Penalty against landholders conniving at the illicit sale of opium within their limits.

Rules for the administration of criminal justice under the residency.

LXIII. The preceding sections of the present Regulation comprehend all the principal rules for the administration of justice in civil causes, as successively framed during the existence of the residency. With regard to the administration of justice in criminal cases, by the orders of the Governor-General in Council on the 29th of February, the 6th of August, and the 28th of November, 1788, and the 10th of June, 1789, the resident was vested with authority to revise all trials and sentences passed by the native courts, and to sanction them if conformable to the Mahomedan law. The sentences thus approved were directed not to be referred to the Governor-General in Council previous to their being carried into execution, excepting in cases in which the resident might deem such reference necessary. No sentences, however, of a capital nature, or inflicting any severe punishment, were ever confirmed by the resident, or carried into execution by the courts, until they had been previously approved by the Governor-General in Council and directed by him to be enforced.

LXIV. *First.* It having been deemed objectionable to subject Brahmins within the zemindarry of Benares to capital punishment for murder or such other crimes as, according to the Mahomedan law, rendered them liable to that punishment, the Governor-General in Council, on the 8th of October, 1790, ordered that such criminals should in future be liable to be transported to Prince of Wales' Island, to be kept there during the remainder of their lives. Public notice of this rule was accordingly promulgated on the 28th of December following throughout the zemindarry; and on the 29th of November, 1793, that place of transportation was changed, by order of Government, for the Andamans, to which island, by a further order of the 6th of June, 1794, all persons who may be hereafter sentenced to confinement for life, for murder, robbery, or theft, are declared liable to be transported for a shorter or longer period, according to the nature of the offence.

Brahmins convicted of murder to be transported beyond sea.

Second. On the 7th July, 1789, the resident published throughout the zemindarry the order of Government of the 17th of June preceding, denouncing the further penalty of banishment against the families of Brahmins convicted of killing their women or children, in the cases and under the circumstances therein set forth, and as more fully particularized in Section IX. Regulation XXI. 1795.

Penalty of banishment denounced against the families of Brahmins found guilty of slaughtering their women or female children.

LXV. The following rule was passed by the Governor-General in Council on the 29th of April, 1791: that, in future, where prisoners shall be sentenced by the Criminal Courts in the zemindarry to lose two limbs, such punishment shall be commuted for fourteen years' imprisonment and hard labour; and that in cases where prisoners shall be condemned to lose one limb, the punishment shall be commuted for imprisonment and hard labour for a period of seven years. This rule was accordingly notified to the several courts on the 10th of May following, for their information and guidance.

Commutation in respect to sentences of mutilation.

LXVI. *First.* On the 15th of July, 1791, the Governor-General in Council directed, that in all future trials for murder in the Criminal Courts of the zemindarry of Benares, the law officers should deliver the futwah according to the doctrines of Yusef and Mohummed.

Rule of law to be observed in the Criminal Courts.

Second. Agreeably to an order passed by the Governor-General in Council, natives charged with the perpetration of murder within the limits of the fortress and garrison of Chunar are to be delivered up, and tried in the Criminal Courts of the province of Benares: but lesser offences are to be left to be tried and punished in the garrison.

How far the native inhabitants within the limits of the garrison of Chunar are liable to the jurisdiction of the courts of Benares in criminal cases.

LXVII. The preceding sections contain the principal rules for the administration of civil and criminal justice under the residency. The following relate to the general police of the zemindarry, and other miscellaneous matters connected therewith.

Police regulations under the residency.

LXVIII. *First.* On the 14th of September, 1787, a general prohibition was issued against natives dressing their peons or other servants in the uniform of the Honourable Company's native troops, on pain of such persons being apprehended and punished. This rule was afterwards repeated, and extended, in a proclamation published by the Governor-

Prohibition against private servants appearing dressed like sepoys.

General in Council on the 26th May, 1790, which comprehended the following clauses:

Second. "1*st.* All persons, Europeans or natives, within the Company's provinces, which include the district of Benares (excepting the vakeels from the native powers), are positively forbid to dress any of their servants, either for the purpose of parade or of business, in the uniform of the Honourable Company's sepoys and lascars, or in a dress so nearly approaching to that uniform, as to enable the persons wearing it to impose themselves on the country people for sepoys and lascars.

Third. "2*nd.* All natives, excepting those actually in the military service of the Company or belonging to the vakeels of the native powers, are forbid to wear a dress similar to that mentioned in the first article.

Fourth. "3*rd.* Collectors of districts, chiefs of factories, commercial and salt agents, magistrates, and other Company's servants in official capacities, who are allowed establishments of peons and pikes, or who have occasion to employ persons of that description, are prohibited from putting them in a military dress.

Fifth. "4*th.* Native officers and sepoys, excepting subadars, jemadars, and serangs, even though in the service of the Company, who may temporarily reside, or have occasion to travel in the interior parts of the country, unless employed on the public service, are forbid to wear their uniform coats.

Sixth. "5*th.* By the operation of the foregoing articles, the use of a military dress will be confined to natives in the military service of the Company (or to those belonging to the vakeels of the native powers), and in the interior parts of the country to such of them only, with the exception of the commissioned officers specified in the fourth article, as may be employed on public duties; and to secure the full effect of these orders, the military commanding officers of stations and of detachments in the interior parts of the country, collectors of districts, residents, and magistrates, are hereby vested with authority, and are required to deprive any man of a military dress, who shall presume to wear one contrary to these Regulations, unless it shall appear that such man is in the service of the Company; in which case, if he be not employed upon duty, he is to be sent to the corps to which he may belong with a written complaint against him.

Seventh. "6*th.* Military officers, or other persons to whom escorts may be allowed when travelling through the country by land or proceeding by water, are forbid to send sepoys or lascars into the villages for the purpose of procuring any sorts of provisions, or of pressing coolies and dandies. Every town and village, upon proper application to the chief person in it, will, in consequence of instructions from the several collectors to that end, furnish such assistance in the above points as they may be capable of affording, and by that means render forcible and violent measures entirely unnecessary."

Eighth. On the 14th October, 1792, the aumils were enjoined to attend to the due accommodation of travellers, whether Europeans or Asiatics, as an essential part of their duty, for any failure or neglect in which they would be held accountable.

Penalty against begaree.

LXIX. On the same date, a prohibition was issued against begaree, or

the practice of individuals seizing and compulsively exacting service from artificers, masons, and other workmen or servants, under the penalty of the offenders being fined for such offence in a sum equal to double the usual wages of the person or persons thus put under constraint, to whom such fine is to be paid as an indemnification.

gares or constrained service.

LXX. A general notification was published throughout the zemindarry prohibiting all persons, whether British subjects or natives, from having recourse to any compulsion in carrying on trade, or forcing advances on the sellers, or taking the goods of any ryot or trader through violence, under the plea of purchasing them.

Prohibition against the use of compulsion in commercial transactions.

LXXI. *First.* It appearing to have been customary under the native Government to levy a tax or fine on all new settlers, as well as to receive one-fourth of the price of all houses sold in the town or mart of Mirzapoor, an order was issued to the judge, on the 20th of April, 1788, to discontinue these exactions.

Discontinuance of fines on new settlers, and on the sale of houses in the mart of Mirzapoor.

Second. The mart of Mirzapoor having increased considerably in extent and population, an entire new and extensive quarter has been added to it, under the name of the Engrezee mohullah. For the ground in this mohullah on which the houses are built, bukhsheshnamas or grants, on the payment of a small fine of entry to Government, were issued by the resident, with the approbation of the Governor-General in Council, exempting these tenements from all ground-rent in time to come.

Nature of the tenure held by the inhabitants of the Engrezee mohullah at Mirzapoor.

LXXII. On the 2nd of July, 1788, the Governor-General in Council directed a publication to be issued prohibiting all persons (except the resident, the Rajah, and the judges) from employing badged peons in the management of their private affairs, and requiring the officers of Government stationed throughout the country to apprehend all such persons and send them to the resident, who was thereon to report the names of their employers to the Governor-General in Council. Since the date of the publication, no person or persons, excepting those above specified, have been allowed to distinguish their peons by badges, excepting the commercial resident, and occasionally the opium contractor.

Prohibition against persons from employing badged peons.

LXXIII. Under date the 12th November, 1788, the Governor-General in Council acquainted the resident, in his capacity of magistrate at Benares, that all Europeans, not British or French subjects, were equally amenable with the natives to the authority of the magistrate within the said district, and to the jurisdiction of the Foujdarry courts, and that in the event of any acts being committed by French subjects, which had they been British subjects would render them objects of a criminal prosecution and trial in the Supreme Court of Judicature, such French subjects were to be apprehended on information being lodged against them upon oath, and sent to the presidency, if there appeared grounds for the institution of a criminal prosecution against them.

How French and other European subjects are to be proceeded against if they commit any breach of the peace.

LXXIV. On the 7th of August, 1789, the resident published the proclamation issued by Government on the 22nd July preceding, prohibiting the purchasing or procuring natives of either sex, for the purpose of ex-

Proclamation issued against the exportation of slaves.

porting them for sale, as slaves, to different parts of India, or elsewhere, and declaring that all persons who should in future be concerned, directly or indirectly, in this inhuman and detestable traffic, should be prosecuted with the utmost rigour in the Supreme Court at the expense of the Company; and if British-born subjects, that they should be forthwith sent to Europe; or if such person or persons should not be subject to the jurisdiction of that court, he or they, upon information being given to the local magistrate, should be apprehended and kept in confinement, to be dealt with according to the laws of the country.

Abolition of the chunam and fire-wood monopolies.

LXXV. On the 10th November, 1789, the exclusive privilege of providing chunam and fire-wood for the use and consumption of the city of Benares, which had been before let in farm, was abolished, and the traffic in these articles was rendered free.

Prohibition against the same ryots cultivating on either side of the borders.

LXXVI. In consequence of the inconvenience and disputes which resulted from the same ryots cultivating lands on both sides of the line of frontier between the district of Benares and the dominions of the Nawaub Visier, this practice was prohibited on the 14th December, 1790, and the aumils under both jurisdictions were apprized accordingly.

Highways to be kept in repair by the zemindars and farmers, within and throughout their respective limits.

LXXVII. On the same date, a circular order was addressed to the aumils throughout the zemindarry, to cause the roads and highways to be kept in a due state of repair, by the zemindars and renters of each talooka or village, as far as such roads and highways should extend through their respective limits.

Prohibition against Raujekoomars killing their children.

LXXVIII. On the 23rd December, 1789, an engagement was entered into by the tribe of Raujekoomars, to renounce the practice which had long obtained among them, of suffering their female infants to perish under the circumstances specified in Section XIII. Regulation XXI. 1795.

Prohibition against the construction of new ghurries, or repairing those that are still standing;

and jungles to be cut down.

LXXIX. On the 2nd of January, 1790, a circular letter was written to the aumils requiring them to be attentive to prevent any zemindar or farmer within their limits from constructing any new ghurry or fort, or repairing any of the existing forts, it being desirable that the latter might gradually become unserviceable as strongholds. The aumils were at the same time instructed to endeavour to clear their several districts of the jungles and thickets, which had been in many instances purposely allowed to grow by the landholders, as places in which they might take refuge against the regular operations of the authority of Government. The clearing of these places was further necessary, as they afforded shelter to robbers and other ill-disposed persons.

Establishment of chokeydars for the protection of the Deccan trade.

LXXX. On the 12th March, 1788, an establishment was formed for the protection of the inland trade carried on by the Deccan road to Mirzapoor. The persons appointed for that purpose have rendered themselves responsible for all robberies committed within their respective limits; and on the 13th March, 1790, the number of guards on their establish-

ment was increased to one hundred and thirty-nine, whose monthly pay is defrayed from the establishment of the custom-house at Mirzapoor.

LXXXI. and LXXXII. Clauses *First, Second,* and *Third.* [Rules for the stone-quarries.]—*Rescinded by Section XV. Regulation II.* 1800.

Fourth. The hill people are not to be required to pay any duty for the stones of any kind which they may want for their own use, and the farmer of the stone mehal is not to interfere with them.

Hill people at liberty to procure stones for their own use as usual.

Fifth and *Sixth.* [Export of stones.]—*Rescinded by Section XV. Regulation II.* 1800.

LXXXIII. On the 31st of March, 1790, a reward of ten rupees was fixed for every tiger, bear, or other destructive and wild animal, that should be killed within the zemindarry.

Reward for killing tigers, &c.

LXXXIV. The magistrate of the city of Benares having reported that the drains and water-courses had been usually cleansed and repaired by a behree or cess levied on the inhabitants, equivalent to the expense, the resident, on the 10th of July, 1790, authorized the magistrate to make such collection for the purposes in question, as far, and in such instances, as the inhabitants should voluntarily agree to contribute their respective quotas.

Contribution payable by the inhabitants of the city of Benares, for cleansing and repairing the drains and water-courses within the city.

LXXXV. In consequence of complaints preferred by the weavers in the sircar of Ghazeepoor, of the impositions practised on them by the dellols and dustoories, orders were issued, on the 22nd of March and 22nd of July, 1790, notifying that the weavers throughout the four sircars composing the zemindarry of Benares were to be considered as having the option of carrying on their business, either through or without the interference of the above-named intermediate agents, and that they were at full liberty to bring their cloths into any bazar or market, and freely to dispose of them to the best advantage; and that no person was to presume, on any pretence, to fix any price on their goods; and that they were to sell their fabrics to whomsoever they might think proper, and for such price as they and the purchaser might mutually and voluntarily settle.

Regulation to protect weavers against the impositions of the dellols and dustoories.

LXXXVI. On the 9th of August, 1790, an establishment was entertained and placed under the control of the magistrate of Benares for keeping the city clean, the expense of which was defrayed from the russoom or commission authorized by Sections XXIV. and XXXIV. to be levied on lawsuits.

Scavengers establishment in the city of Benares.

*LXXXVII. The orders of the Governor-General in Council, under date the 2nd of November, 1792, prohibiting the practice of sitting dhurna, were issued as specified in Regulation XXI. 1795.

Prohibition of dhurna.

LXXXVIII. In pursuance of the order of Government of the 12th of November, 1792, measures were taken to promote the salubrity and improve the police of the city of Benares, by fixing on separate spots in the suburbs for the shambles and liquor-shops, and by cutting an exten-

Regulation respecting the shambles and liquor-shops in the city of Benares.

sive water-course to drain the superfluous waters from the back part of the town into the Burna rivulet.

Rules in the preceding sections to operate and to have force and effect under the new system of administration introduced into Benares, unless rescinded or altered by any printed Regulation passed on or after this date.

Exception with respect to the future decision of boundary disputes.

LXXXIX. The several rules detailed in the preceding sections, and especially those which relate to zemindarry claims and rights in Sections XV. XX. XXII. XXVI. XXXII. XXXIII. and XXXV. are to continue in force; with the exception of the whole or any part of such rule or rules as have been or shall be either expressly repealed or altered by, or may be inconsistent with, any provision or provisions in any Regulation declared to extend to the province of Benares, passed on this date, and printed and published in the manner prescribed in Regulation XLI. 1793, or that may be hereafter passed, and so printed and published. But with respect to the prescriptions in Section XXXIII. relative to boundary disputes, unless the separation and annexation shall be clearly proved to have taken place previous to the period referred to in Clause Seventh, Section XXXV. or a regular decree shall have been since passed by some competent court deciding the dispute, the courts, in future, are not to consider the mere lapse of time as a bar to their taking cognizance of such suits. As far as may be practicable, the courts are to procure all such disputes to be decided by arbitration; and in the event of any part of the lands included in the pottahs for the payment of the revenue assessed on the estates of either of the parties at the conclusion of the permanent settlement in 1197 being awarded to the other, either by arbitrators or by the courts, a proportionate part of the fixed revenue shall also become payable by the party thus acquiring the additional land, and the amount of such proportion shall be determined agreeably to the rules prescribed in Regulation XXVII. 1795.

How the records of, and the causes pending in the old courts, are to be transferred to the new.

XC. The records of the civil and criminal causes decided, and the papers and pleadings in those depending, in the courts of the city of Benares and the towns of Ghazeepoor, Juanpoor, and Mirzapoor, and in the Moolky Dewanny and Moolky Foujdarry Adawluts, are to be made over by the native judges to the British judges of the newly-established courts to which they may belong, or in which they may be cognizable, according to the local jurisdiction assigned to the courts by Section IV. Regulation VII. 1795; and the native judges are to obtain receipts in duplicate for such records from the British judges respectively, and are to retain one copy of the receipts in their own possession, and to lodge the other with the Provincial Court of Appeal established under Regulation IX. 1795.

How the judicial records in the native languages in the resident's office are to be disposed of.

XCI. With respect to the records in the native languages in the possession of the resident, in his capacities of judge of the Court of Appeal and Revision for hearing appeals from the decisions of the native courts and magistrate, the resident, or the senior of his assistants on the spot, is to deliver over the former (with the exception of the records and papers in the causes specified in Section XCIII.) to the Provincial Court of Appeal established by Regulation IX. 1795, and the latter to the Court of Circuit instituted under Regulation XVI. 1795. The register to these courts is to grant duplicate receipts for such records as shall be thus transferred, of which one copy is to be transmitted to the register to the

Sudder Dewanny Adawlut, and the other to the register to the Nizamut Adawlut.

XCII. Upon this transfer of the records, the causes depending, whether civil or criminal, are to be proceeded with by the new courts, according to the Regulations passed on this date, or which may be hereafter passed, and printed and published in the manner prescribed in Regulation XLI. 1793. All proceedings held in the former courts on each undetermined suit or prosecution are to be preserved, and to make part of the record in such suits and prosecutions, and are to be allowed their full weight in the decision and judgment, as far as they shall appear to be consistent with the rules then in force for the administration of justice, as contained in the several sections of this Regulation.

How the civil suits depending, and subjects of criminal prosecution, are, after the transfer of the records thereof to the new courts, to be proceeded with.

XCIII. Causes depending and undecided in the Court of Appeal and Revision superintended by the late resident, are to be transferred by him, or by his senior assistant on the spot, together with all the records and pleadings relative thereto (for which duplicate receipts are to be given and disposed of as prescribed with regard to the papers alluded to in Section XCI.), to the judges of the newly-established Courts of Adawlut in which they may be cognizable, according to the local jurisdiction assigned to the several courts by Section IV. Regulation VII. 1795, and the judges shall revise these causes on the same principles as, under the rules in this Regulation, the resident would have heard them in appeal. If the revising judge shall think the proof or proceedings on either side defective, he is to call on the parties to supply the defects; and after making such further inquiry as he shall deem necessary, he is to confirm, alter, or reverse the decree of the native court, as may appear to him equitable. From any such decree of the revising judge an appeal is to lie to the Provincial Court of Appeal, under Regulation V. 1793, and Regulation IX. 1795, and eventually to the Sudder Dewanny Adawlut (if the cause shall be cognizable by that court), under Regulation VI. 1793, and Regulation X. 1795.

In what manner undecided causes depending in the Court of Appeal and Revision, superintended by the resident, are to be disposed of, and when they are to be heard and decided.

XCIV. The British judges are to proceed to the hearing of the appealed causes alluded to in Section XCIII. on days to be specially appointed for that purpose, of which due notice is to be given to the litigating parties, that they or their authorized vakeels may attend; and separate reports are to be made of the decisions passed by the judges on these appealed causes, in the form prescribed in Sections XI. and XII. Regulation XVIII. 1793, extended to the province of Benares by Regulation XVIII. 1795.

When the hearing of such undecided causes in appeal is to be proceeded with.

What reports are to be made in respect to them.

XCV. With respect to such of the above-mentioned undecided causes in appeal as may be of the nature of the suits described in Section II. Regulation XVI. 1793, extended to the province of Benares by Regulation XV. 1795, the judges, without regard to their amount, are to recommend to the parties to submit the same to arbitration, either with or without reference to the record of the first trial in the native court, as the parties may agree on; and the said judges are respectively empowered, with the consent of the parties, thus to refer the decision of such unde-

What description of undecided causes in appeal from the native courts may be referred to arbitration.

cided causes in appeal to one or more arbitrators, and to pass a decree conformably to the award, subject to all the rules relative to awards contained in Regulation XVI. 1793.

What part of these depending causes in appeal may be revised and decided on by the register of the City Court of Benares.

XCVI. As the greater number of the undecided causes in appeal, under the operation of the rule contained in Section XCIII. will be transferred to the court of the city of Benares, the judge of this court is therefore empowered to authorize the register to try and decide, in like manner as he might himself, all or any of the appealed causes in question, where the amount or value of the thing contested shall not exceed the sum of one thousand sicca rupees. The decrees which may be passed by the register in such cases are to be attested with his signature and the seal of the court, and an appeal is to lie from them to the Provincial Court of Appeal, in the same manner as if they had been revised and decided by the judge.

Reg. XXIII. 1795.

A.D. 1795. REGULATION XXIII.

A REGULATION *for extending to the Province of Benares, Regulation XLVI.* 1793, *entitled "A Regulation for admitting Persons of certain Descriptions to sue in the Courts of Civil Judicature as Paupers:"* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Rescinded by Section II. Regulation XXVIII. 1814.]

Reg. XXIV. 1795.

A.D. 1795. REGULATION XXIV.

A REGULATION *for extending to the Province of Benares, Regulation XXVIII.* 1793, *entitled " A Regulation for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William, and civil covenanted Servants of the Company, and their military Officers) residing at a greater Distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny Adawlut, in civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section VII. Regulation III.* 1793, *and for enabling British Subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Superseded by Act VIII. 1836, and Section VII. Act VI. 1843.]

A.D. 1795. REGULATION XXV.

Reg. XXV. 1795.

A REGULATION *for extending to the Province of Benares, Regulation XLVII. 1793, entitled "A Regulation for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations:"* PASSED *by the Governor-General in Council on the 27th March,* 1795.

[Superseded by the abolition of those courts under the operation of Section XXVII. Regulation V. 1831, Regulation I. 1829, and Act XII. 1835.]

A.D. 1795. REGULATION XXVI.

Reg. XXVI. 1795.

A REGULATION *for extending to the Province of Benares, with Alterations, Regulation XXV.* 1793, *entitled "A Regulation for the Division of Estates paying Revenue to Government, and for allowing two or more Proprietors of Shares of an Estate to hold their Shares as a joint undivided Estate:"* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Rescinded by Section II. Regulation XIX. 1814.]

A.D. 1795. REGULATION XXVII.

Reg. XXVII. 1795.

[EXTENSION OF REGULATION I. 1793.]

A REGULATION *declaratory of certain Reservations made by Government, and of Rights preserved to the Proprietors of Landed Estates, under the Permanent Settlement of the Land Revenue made in the Province of Benares; for allowing of the Transfer or Division of entire Estates, or Portions of Estates, and prescribing Rules for apportioning the fixed Jumma on the several Shares of Estates which may be divided, or Portions of Estates which may be transferred; and for continuing the Putwarries in the Discharge of their ancient Functions:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. REGULATIONS I. and II. 1795, contain the rules according to which the settlement of the land revenue in the province of Benares, made for one

year, and the quartennial and decennial settlements were concluded. By the first-mentioned Regulation, the decennial settlement has been declared permanent, and for the information and guidance of the talookdars, zemindars, and other actual proprietors of land, and all persons whomsoever, the following further rules respecting the permanent settlement are enacted.

Jumma which may be hereafter agreed to by proprietors whose lands are held amany, or let in farm, declared fixed for ever.

II. As the lands of some few zemindars, and other actual proprietors of land, may have been continued amany or let in farm, in consequence of their refusing to pay the assessment required of them under the Regulations for the quartennial and decennial settlements, the Governor-General in Council notifies to the talookdars, zemindars, and other actual proprietors of land whose lands are held amany, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which has been or may be required of them in conformity to the Regulations above mentioned, and that no alteration shall afterwards be made in that assessment, but that they and their heirs and lawful successors shall be permitted to hold their respective estates at such assessment for ever; and he declares to the talookdars, zemindars, and other actual proprietors of land whose lands have been let in farm, that they shall not regain possession of their lands before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their leases and the Governor-General in Council shall approve of the transfer), but that at the expiration of that period, or in the event of any such farmer or farmers forfeiting his or their leases by falling in arrear, or otherwise, such proprietors of land shall be reinstated, on their agreeing to the payment of the assessment which may be required of them, or (according to the nature of the case) to the conditions with respect to the arrear that may be due, as specified in Clause First, Section XVIII. Regulation VI. 1795, and no alteration shall afterwards be made in the said fixed annual assessment; but such proprietors of land, and their heirs and lawful successors, shall be allowed to hold their respective estates at such assessment for ever.

Jumma at which lands belonging to Government may be transferred to individuals declared fixed for ever.

III. In the event of the proprietary right in lands that are or may become the property of Government being transferred to individuals, such individuals, and their heirs and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever.

Proprietors expected to improve their estates in consequence of the profits being secured to them.

IV. *First.* The Governor-General in Council trusts that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs or successors, by the present or any future Government, for an augmentation of the public assessment, in consequence of the improvement of their respective estates.

Conduct to be observed by the proprietors of land towards

Second. To discharge the revenue at the stipulated periods without delay or evasion, and to conduct themselves with good faith and modera-

tion towards their putteedars, under-renters, and ryots, are duties at all times indispensably required by Government from the proprietors from whom the revenue is immediately receivable: and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor-General in Council therefore expects, that the aforesaid proprietors of land will not only act in this manner themselves towards their putteedars, under-renters, and ryots, but also enjoin the strictest adherence to the same principles in the persons whom they may appoint to collect the rents from them, in whatever instances there may be occasion for such delegation of trust.

their putteedars, under-renters, and ryots.

V. *First.* It being the duty of the ruling power to protect all classes of people, and more particularly those who from situation are most helpless, the Governor-General in Council, whenever he may deem it proper, will enact such Regulations as he may think necessary for the protection and welfare of the putteedars, under-renters, ryots, and other cultivators of the soil; and no talookdar, zemindar, or other proprietor of land, shall be entitled on this account to make any objection to the discharge of the fixed assessment which they may have respectively agreed to pay.

Government to enact such Regulations as they may think necessary for the welfare of the putteedars, under-renters, ryots, and cultivators, and proprietors not to withhold the revenue on that account.

Second. The Governor-General in Council having, on the 26th December, 1787, directed the sayer collections to be abolished, and a subsequent settlement having been made with the proprietors of land, exclusive of the articles of collection given up by that abolition, he now declares, that if he shall hereafter think it proper to re-establish the sayer collections or any other internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

All internal duties that may be hereafter established, to belong exclusively to Government.

Third. The Governor-General in Council will impose such assessment as he may deem equitable on all lands at present alienated and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it.

See Sec. vi. Reg. XLI. 1795

Jumma that may be assessed on alienated lands held under invalid titles to belong exclusively to Government.

Fourth. The jumma of those zemindars, talookdars, and other actual proprietors of land, which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, the produce of any lands set apart for the maintenance of pheris, passees, ghorites, or other description of watchmen, employed in services of police; and the Governor-General in Council reserves to himself the option of resuming the whole or part of the produce of such lands, should he at any time hereafter think fit to exonerate the proprietors of the land from being responsible for the peace, and to appoint officers on the part of Government to perform the duties relating to the police now required from them. The Governor-General in Council, however, declares, that the produce of lands which may in that case be resumed, will be appropriated to no other purpose but that of defraying the expense of the police, or providing a maintenance for the pheris, passees, ghorites, or other description of watchmen employed therein.

Police lands eventually resumable by Government.

Allowances that may be so resumed not to be added to the jumma, but to be collected separately and applied solely to the police.

See Sec. x. Act I. 1845.

Fifth. Nothing in this or any other Regulation shall be construed to render the lands, of which there are dispossessed proprietors, liable to sale

Estates of dispossessed proprietors not liable to sale for arrears

of assessment accruing whilst they are deprived of the management of them.

for any arrears which have accrued, or may accrue, on the jumma that has been or may be assessed upon their lands, under the Regulations for the quartennial and decennial settlements, provided that such arrears have accrued, or may accrue, during the time that they have been, or may be, dispossessed of the management of their lands. It is to be understood, however, that whenever all or any of the descriptions of dispossessed landholders shall be permitted to assume or retain the management of their lands, in consequence of the ground of their dispossession no longer existing, or of the Governor-General in Council dispensing with, altering, or abolishing those Regulations, the lands of such proprietors will be held responsible for the payment of the jumma that has been or may be assessed upon them in perpetuity, from the time that the management may devolve upon them.

Proprietors declared privileged to transfer their lands without the sanction of Government.

VI. That no doubt may be entertained, whether proprietors of land are entitled, under the existing Regulations, to dispose of their estates without the previous sanction of Government, the Governor-General in Council notifies to the talookdars, zemindars, and other actual proprietors of land, that they are privileged to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary right in the whole, or any portion of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be comformable to the Mahomedan or Hindoo laws (according as the religious persuasions of the party or parties making such transfer may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any Regulations now in force, which have been passed by the British administrations, or to any Regulations that they may hereafter enact.

See Sec. vi. Reg. XLIV. 1795.

Provided the transfer be conformable to law, and not contrary to any existing Regulation.

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the collector, or other prescribed officer; and the jumma so adjusted declared fixed for ever.

VII.* From the limitation of the public demand upon the lands, the neat income, and consequently the value (independent of increase of rent obtainable by improvements) of any landed property, for the assessment on which a distinct engagement has been or may be entered into between Government and the proprietor, or that may be separately assessed, although included in one engagement, with other estates belonging to the same proprietor, and which may be offered for public or private sale entire, will always be ascertainable by a comparison of the amount of the fixed jumma assessed upon it (which, agreeably to the foregoing declarations, is to remain unalterable for ever, to whomsoever the property may be transferred), with the whole of its produce, allowing for the charges of management. But it is also essential, that a notification should be made of the principles upon which the fixed assessment charged upon any such estate will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one or in two or more lots, or of its being joint property, and a division of it being made among the proprietors; otherwise, from the want of a declared rule for estimating the proportion of the fixed jumma with which the several shares would be chargeable in such cases, the real value of each

See Sec. iv. Reg. I. 1801, and Sec. iii. Reg. XVIII. 1812.

See Sec. viii. Reg. I. 1801.

* So much of this section as relates to the adjustment of the jumma on lands sold in satisfaction of decrees is repealed by Sec. i. Act IV. 1846.

share would be uncertain, and consequently the benefits expected to result from fixing the public assessment upon the lands would be but partially obtained. The Governor-General in Council has accordingly prescribed the following rules for apportioning the fixed assessment in the several cases above mentioned; but as Government might sustain a considerable loss of revenue by disproportionate allotments of the assessment, were the apportioning of it in any of the cases above specified to be left to the proprietors, he requires that all such transfers or divisions as may be made by the private act of the parties themselves, be notified to the collector of the revenue, or such other officer as Government may in future prescribe, in order that the fixed jumma assessed upon the whole estate may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered upon the public registers, and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who will thenceforward be considered as actual proprietors of land. And the Governor-General in Council declares, that if the parties to such transfers or divisions shall omit to notify them to the collector of the revenue of the province, or such other officers as may be hereafter prescribed, for the purposes before mentioned, the whole of such estate will be held responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place.

First. In the event of the whole of the lands of a zemindar, talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations above mentioned, being exposed to public sale by order of the Governor-General in Council for the discharge of arrears of assessment, *or in consequence of the decision of a court of justice*, in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands sold may bear to the whole of their actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter adopt, and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so purchased for ever.

Second. When a portion of the lands of a talookdar, zemindar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, under the Regulations before mentioned, shall be exposed to public sale by order of the Governor-General in Council, for the liquidation of arrears of assessment, *or pursuant to the decision of a court of justice*, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the

whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one lot or in two or more lots, shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter enact; and the purchaser or purchasers of such lands, and his, or her, or their heirs or successors, will be allowed to hold them at the jumma at which they may be so purchased for ever; and the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate, on account of the portion of it that may be left in his, or her, or their possession, will continue unalterable for ever.

Third. When a talookdar, zemindar, or other actual proprietor of land, with or on behalf of whom a settlement has been or may be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate, so transferred, shall be fixed at an amount which shall bear the same proportion to its actual produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed in the existing Regulations, or such other Regulations as Government may hereafter adopt; and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be transferred for ever; and where only a portion of such estate shall be transferred, the amount of the remainder of the public jumma, which will consequently be payable by the former proprietor of the whole estate on account of the lands that may remain in his or her possession, shall be continued unalterable for ever.

Fourth. Whenever a division shall be made of lands, the settlement of which has been or may be concluded with or on behalf of the proprietor or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share shall be fixed at an amount which shall bear the same proportion to its actual produce, as the fixed jumma assessed upon the whole of the estate divided may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is or may be prescribed by the existing Regulations, or such other Regulations as the Governor-General in Council may hereafter adopt, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them for ever.

Lands of ancient proprietors standing dispossessed under Sec. XII. Regulation II. 1795, not to be liable to be disposed of at public sale.

VIII. Nothing in this or any other Regulation passed previous to or on this date, shall be construed to authorize the public sale of the lands in any talookdarry or zemindarry, whilst the party or parties claiming the same, as the ancient proprietors, continue to stand excluded under the limitation specified in Section XII. Regulation II. 1795; or until, by the operation of the repeal of that limitation under Section III. Regulation I. 1795, or in pursuance of the consequent provision in Section XVIII. Regulation VI. 1795, or some other consonant rule made, or that shall

hereafter be made, in consequence of the said repeal, such party or parties shall have been restored to the management of the revenue of his or their respective talookdarries or zemindarries.

IX. [Rules regarding putwarries—same as Section LXII. Regulation VIII. 1793.]—*Rescinded by Section II. Regulation XII.* 1817.

Definition of the term proprietor or actual proprietor of land

X. For the sake of precision it is hereby declared, that wherever the term proprietor, or actual proprietor of any talook, zemindarry, village, or other land paying revenue to Government, is or may be used, in this or any other Regulation extending to the province of Benares, and printed and published in the manner prescribed in Regulation XLI. 1793, such term is to be considered as applying to the person or persons holding under each separate lease or pottah from Government (whether he or they possess the entire proprietary right in such lands, or shall be only the principal amongst other putteedars, distinct or common), whose name or names standing inserted in such pottahs, and who having executed the counterpart cabooleats, has or have thereby become immediately responsible to Government, as well for the payment of the revenue as for the performance of the other stipulations and conditions contained in the quartennial and decennial deeds of settlement; without however affecting or prejudicing the rights, distinct or common, of any putteedars or sharers where any such shall exist, and which, in case of dispute with the pottahdars or holders of the pottahs, are to be determined by the Courts of Adawlut, according to what shall be ascertained to be the respective rights of the parties, agreeably to the principles of justice, and the laws, customs, and usages of the district, as referred to in Regulation II. 1795, as far as regards the parties in question.

A.D. 1795. REGULATION XXVIII.

Reg XXVIII 1795

A Regulation *for extending to the Province of Benares, Regulation XXXVI.* 1793, *entitled "A Regulation for establishing a Registry for Wills and Deeds for the Transfer or Mortgage of real Property:"* Passed *by the Governor-General in Council, on the 27th March,* 1795.

I. It being necessary, for reasons similar to those stated in the preamble to Regulation XXXVI. 1793, for establishing offices for registering wills and deeds for the transfer or mortgage of real property, in the provinces of Bengal, Behar, and Orissa, that offices for the registry of such wills and deeds should be established also in the province of Benares, the following rule has been enacted.

Regulation XXXVI 1793, extended to the province of Benares

See Acts XXX 1838, and XI 1851

II. An office shall be established in the city of Benares, and in the zillahs of Mirzapoor, Ghazeepoor, and Juanpoor, for the registry of wills and deeds for the transfer or mortgage of real property, under the rules

prescribed in Regulation XXXVI. 1793, for establishing similar offices in the cities and zillahs in the provinces of Bengal, Behar, and Orissa.

Reg. XXIX. 1795.

A.D. 1795. REGULATION XXIX.

A REGULATION *for extending to the Province of Benares, Regulation XX. 1793, entitled "A Regulation for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance:"* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Superseded by 3 & 4 William IV. cap. 85.]

Reg. XXX. 1795.

A.D. 1795. REGULATION XXX.

A REGULATION *for extending to the Province of Benares, Regulation XXI. 1793, entitled "A Regulation for establishing in each Zillah an Office for keeping the Records in the Native Languages which relate to the public Revenue, and prescribing Rules for the Conduct of the Keepers of the Records:"* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. ON grounds similar to those stated in Regulation XXI. 1793, for establishing an office in each collectorship in the provinces of Bengal, Behar, and Orissa, for keeping the records in the native languages which relate to the public revenue, the following rule has been enacted.

Regulation XXI. 1793, extended to the province of Benares.

II. An office shall be established in the province of Benares for keeping all records and papers in the native languages, which in any respect relate to the public revenue arising from the lands, or other sources, in the jurisdictions of the City Court and the Zillah Courts, under the rules prescribed in Regulation XXI. 1793.

A.D. 1795. REGULATION XXXI.

Reg. XXXI. 1795.

A REGULATION *for extending to the Province of Benares, with Modifications, Regulation XL.* 1793, *entitled "A Regulation for granting Commissions to Natives to hear and decide Civil Suits for Sums of Money or personal Property of a Value not exceeding fifty Sicca Rupees, and prescribing Rules for the Trial of the Suits, and enforcing the Decisions which may be passed upon them:"* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Rescinded by Section II. Regulation XXIII. 1814.]

A.D. 1795. REGULATION XXXII.

Reg. XXXII. 1795.

A REGULATION *for enacting into a Regulation the Terms of the Contract concluded for the Provision of Opium on account of Government in the Province of Benares, from the 1st September,* 1793, *to the 31st August,* 1797, *and for preventing illicit Trade in that Article:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[At the expiration of the contract for which this Regulation was enacted, the system of opium contracts was abolished, and the rules of this Regulation superseded by Regulation VI. 1799.—The latter regulation has been rescinded by Section II. Regulation XIII. 1816, in which a new code of rules was enacted for the management of this department.]

A.D. 1795. REGULATION XXXIII.*

Reg. XXXIII. 1795.

A REGULATION *for enacting into a Regulation the Rules passed relative to the Cultivation and Manufacture of Indigo, on behalf of, or by natural-born British Subjects, and other Europeans, having the Permission of Government to reside in the Province of Benares:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. IT has long been an established rule, that no European shall hold lands in the interior parts of the country without the express permission

* It is not likely that any of the provisions of this Regulation should be called into operation; but it is preserved as an historical record of the origin of rights still subsisting.—See Act IV. 1837.

of Government; and an adherence to this rule was considered particularly necessary in the province of Benares, where the reasons on which it is founded apply with additional force. Accordingly, when Government were first informed that the two first projectors of works for the manufacture of indigo in that province had, for the purpose of facilitating the raising of the plant, farmed one or more talooks, the resident was immediately directed to dispossess them of such farm or farms; but in consideration of the heavy expense which they had incurred, and as it was presumed that the extension and cultivation of indigo, under proper regulations, might prove beneficial to the country at large, they were permitted, in the beginning of 1790, to continue their manufacture, and to make advances to such ryots as might be willing to cultivate and furnish them with the indigo-plant, as well as to hold land upon pottah from the zemindars and farmers, in the same manner as other ryots, for the purpose of cultivating the plant themselves. This special permission, granted in consideration of the peculiar circumstances of these two manufacturers, and who had also entered on the business with the permission of Government, was afterwards erroneously construed as extending to all Europeans who might undertake the cultivation or manufacture of indigo in the province of Benares. Accordingly, between the last-mentioned period and the beginning of the year 1794, sundry other British subjects obtained and held grounds for the cultivation of indigo, without the knowledge or sanction of Government. The inconveniences and evils which arose in consequence at length attracted the attention of Government, and on the 7th of March, 1794, the Governor-General in Council ordered that Europeans should not be allowed to acquire any landed property in Benares, exceeding what might be sufficient for the erection of houses or buildings for carrying on manufactures, nor be competent to hold a greater extent of land upon lease than might be sufficient for the same purposes. This order affecting materially the interests of the indigo-planters who had established themselves in the province without the sanction of Government, they presented a memorial to the Governor-General in Council setting forth the circumstances of their situation. Although the leases which they had procured for ground for the cultivation of the indigo-plant, from having been obtained without the permission and sanction of Government, were liable to immediate resumption, the Governor-General in Council, on the supposition that many of these individuals, from not being prohibited in the first instance from holding the lands, might have been induced to believe that they were not deviating from public regulations, and adverting also to the heavy loss which they might have sustained had they been compelled to relinquish the lands immediately, resolved, on the 23rd of May, 1794, to allow them the term hereafter specified for reaping the full benefit of any lands that they might have actually sown with indigo, and for enabling them to make the necessary arrangements with the ryots or other individuals to furnish them with the weed, in the same manner as it is procured by the planters in Bengal. These rules, with the subsequent additions made to them, are now enacted into a Regulation.

Prohibition of further leases of land to Europeans.

II. Conformably to the restrictions alluded to in the preamble to this Regulation, on the 20th March, 1794, a circular order was issued to the aumils, forbidding any more ground to be leased to natural-born British

subjects or to other Europeans, or conveyed to them by sale or otherwise, without the sanction of Government to be first had and obtained; and (lest the natives should misconstrue, and any of them make an improper use of this Regulation) it was at the same time ordered, that the Europeans were not to be dispossessed of what ground they now occupied without the resident's sanction; and to enable him to pass his determination in all such cases, an account was ordered to be prepared of all such lands in the occupancy of Europeans.

Prohibition against receiving the public revenue through Europeans.

III. On the 22nd of March, 1795, the resident notified to all the aumils by a circular order, that as it was contrary to the intentions of Government that any part of the public revenue should be paid (excepting in amauny villages) through the medium of any Europeans, either for the ground in which they cultivated the indigo or on any other account, they (the aumils) were prohibited from receiving the revenue through any other channel than that of the native zemindars or farmers holding pottahs from Government, leaving it to them to settle with those who were indigo-planters according to the existing engagements between the parties.

IV. *First.* On the grounds set forth in the preamble to this Regulation, and with a view to obviate or provide against the numerous complaints which the planting and manufacturing of indigo by British subjects had occasioned, the rules contained in the following clauses were passed by Government on the 23rd of May and the 4th of July, 1794.

Leases of land to European indigo-planters, of a date not subsequent to the 20th of March, 1794, to be allowed to remain in force until the expiration of the period of the decennial settlement.

Second. "*Art.* 1*st.* That all existing leases of lands for the purpose of cultivating indigo, actually and bonâ fide obtained before the 20th of March, 1794, by any European, be allowed to remain in force until they expire, provided the term of them shall not extend beyond the period of the decennial settlement.

All leases of a subsequent date declared invalid.

Third. "*Art.* 2*nd.* That all leases obtained directly or indirectly by Europeans, either in their own names or those of others, since the 20th day of March, 1794, be declared null and void, and that the lessees be immediately dispossessed.

Penalty enacted in prohibition of such posterior leases.

Fourth. "*Art.* 3*rd.* That, in future, no new leases for lands shall be entered into, directly or indirectly, by any European; and that any such leases shall be void, and the lessee not only be dispossessed, but liable to be ordered immediately to Calcutta.

Exception with respect to ground to construct indigo-works or dwelling-houses on.

Fifth. "*Art.* 4*th.* After the expiration of the last year of the decennial settlement, no European shall be permitted to rent or hold any land, directly or indirectly, either in his own name or that of others. This rule, however, is not to extend to land not exceeding fifty begahs, which Europeans shall be permitted to purchase or rent, for the purpose of erecting dwelling-houses, or buildings for carrying on manufactures, provided they previously obtain the sanction of the Governor-General in Council, through the resident, to purchase or rent the land.

Prohibition against Europeans or their servants seizing bhoosa or any other article.

Sixth. "*Art.* 5*th.* If any native servant, or dependant of any British subject, or other European, shall intercept on the road, or otherwise unduly seize, any bhoosa or other property, he shall, on the party injured complaining to the resident, and on the latter's seeing sufficient ground for such a mode of procedure, be committed by him for trial for such violence to the Foujdarry Court, and besides suffering such punishment

(in case of conviction) as the court may inflict, such servant shall be thereon rendered incapable of entering again within the district into the service of any British-born subject or other European, in any capacity whatsoever; and in all cases of undue seizure of bhoosa, or other property, as aforesaid, by any British subject or subjects, or by his or their servant or servants, on their behalf, it shall be the duty of the resident, on the receipt of any complaint to this effect, to enter on a summary inquiry into the circumstances of the case; whereupon every such British subject shall strictly and without reserve conform to any requisition or order that he (the resident) may thereon issue, for full restitution of the bhoosa, or other article, so detained, to the proper owner, as well as for the paying to the latter such indemnification and damages as the resident may award.

Against British subjects pressing artificers and other workmen or labourers into their service.

Seventh. "*Art. 6th.* In the event of the servants of any British subject attempting to press into, or forcibly carry away for, their master's service, any artificers, workmen, or labourers, they shall be liable for every such offence to be themselves apprehended by the proper local officers of Government, and brought thereon to such trial or punishment as the laws of the country point out, besides being, in all cases where conviction shall ensue, rendered incapable (in like manner as is expressed in Clause Sixth) of acting again in the service of any European.

Against the undue and forcible felling of trees by Europeans.

Eighth. "*Art. 7th.* No British subject shall be permitted to cut down any trees, unless the owner shall have previously and voluntarily sold them to him, and executed to him a writing attested by two credible witnesses, expressing his consent to the sale of the trees and the price of them.

European indigo-planters to keep vakeels to answer to complaints preferred against them.

Ninth. "*Art. 8th.* The Regulations of the 7th March last, prohibiting all epistolary correspondence between the resident or the native judges of the several courts and parties in suits or complaints brought before them, it is directed, with a view to facilitate the resident's inquiring into and settling the frequent and various complaints that are preferred in respect to the indigo cultivation and manufacture, that the several persons concerned in it shall at all times have in attendance in the resident's cutcherry, well-informed vakeels on their respective parts, properly authorized and instructed to deliver competent answers to, and explanations, in the Hindovee tongue, of such allegations as may from time to time be brought by any of the natives against their constituents or their servants.

Europeans conniving at improper acts by their servants to be held responsible.

Tenth. "*Art. 9th.* No European shall seize or confine an individual ryot or other person, or do any of the acts which their servants are prohibited doing by these Regulations; and where it shall be proved, to the satisfaction of the resident, that the servants of any such British subjects have done any such acts, by the orders, or with the connivance or knowledge of their masters, the latter shall be held responsible for the act, and shall be considered to have committed a breach of the Regulations.

European indigo-planters to bind themselves to the observance of these Regulations.

Eleventh. "*Art. 10th.* Every European indigo-planter shall sign, and personally engage for the adherence to, the above articles, or any other Regulations that may be hereafter enacted respecting them, under the penalty of five hundred rupees for the first offence, and of being sent to Calcutta for the second.

No European to be allowed to abide without the permission of

Twelfth. "*Art. 11th.* No European is to take up his abode in the zemindarry of Benares without the sanction of the Governor-General in Council.

The resident is to send any person guilty of a breach of this rule to Calcutta."

Government in the zemindarry of Benares.

V. The resident was, at the same time, desired to afford every encouragement to Europeans in procuring the indigo-plant to be raised for them, at a given rate for every begah or bundle, by contract with the ryots or aumils; with this caution to be observed in regard to the latter, that they were not to be permitted to avail themselves of their official influence as aumils, to compel ryots, or any individual, to plough or work upon the lands against their inclination, or to exercise any undue authority whatever in the management of the concern.

Encouragement to be given to the mode of Europeans raising indigo by contract.

VI. On the 1st July, 1794, the aumils and the people of the country at large were furnished with a translation of the preceding rules, and at the same time apprized that Government had no immediate concern whatever in the provision of the indigo, and that the above measures had been adopted solely upon the ground that the introduction of a new and valuable article of produce could not fail to be productive of advantage both to the cultivators and proprietors of the soil, as well as to the merchants, provided the trade in it could be conducted without prejudice to individuals, or to the good order and government of the country.

Notification to the natives of the Government's having no immediate concern in the planting or manufacture of indigo.

VII. *First.* On the promulgation of the prohibition in Section II. it was set forth on behalf of several Europeans, that previous to the date thereof they had obtained fair and voluntary engagements from sundry zemindars and others, for a certain extent or number of begahs for the cultivation of indigo; and therefore requested that orders might be issued for the ground in question being measured out, and delivered over to them, for the term allowed of under Clause Second, Section IV. which the resident did accordingly admit of and order on the 7th of June, 1794; in as far as the land thus found to be fairly contracted and engaged for, previous to the order of prohibition, might not be liable to all or either of the grounds of objection in the following clauses, the existence of which was to bar the Europeans possession of the lands in question.

Further description of what grounds engaged by Europeans before the 20th March, 1794, are to be allowed of.

Second. "*Art.* 1*st.* The engagement or contract for the delivery of the ground to the Europeans must issue and be from the party or parties holding the pottahs of Government, and not merely from their putteedars, as the subordinate partners of such pottahdars are not authorized to introduce, without the concurrence of the Government's pottahdar, any ryot, and still less a natural-born British subject, into the possession or cultivation of any part of the territory included under such pottah.

If the grant thereof shall have been fairly made by persons duly authorized.

Third. "*Art.* 2*nd.* In consideration that the Governor-General in Council hath prohibited any British subject from holding farms of revenue, and as, in fair construction, any pottahdar of Government making over all the territory under the pottah to any British subject would be equivalent to such a taking in farm as is meant to be forbidden, therefore no pottahdar is, out of the grounds included under such pottah, to be allowed to make over to any European a larger proportion than shall be suitable to the moderate idea of a ryotty tenure.

Such grants not to be for whole villages.

Fourth. "*Art.* 3*rd.* A pottahdar of Government is not to be deemed competent to grant to any natural-born British subject for the cultivation

Not to affect the grounds in the occupancy of chupperbund

ryots without their consent.

of indigo, the grounds of any chupperbund or khud casht ryot, unless on the condition of such settled ryot's razeenamah being previously delivered into the office of the resident, under the attestation of the canongoes.

Similar rules for the observance of the aumils and canongoes where the lands are amauny.

Fifth. "*Art. 4th.* As the aumil is in the amauny or unsettled villages of each pergunnah in the stead and place of the pottahdars of Government, such aumils are, as far as regards the granting of any grounds therein to any European for the cultivation of indigo, to consider themselves as bound to be governed by the same qualifications, restrictions, and conditions as are provided and specified in the three preceding clauses and articles for the guidance of the pottahdars in similar instances: nor is any aumil to make such grants out of the cutcha lands without the privity and consent of the canongoes, who are to attend, in every such instance, to the due and full observance of the requisitions thus made."

Sixth. The notification comprehended in this section was confirmed by the Governor-General in Council under date the 4th of July, 1794.

Terms notified on which the natives may contract with Europeans for the raising of the indigo-plant.

VIII. *First.* On the 12th of July, 1794, a circular notification was published by the resident, announcing to the natives that the Governor-General in Council had no objection, but rather wished to encourage their entering into contracts with Europeans to raise for them the indigo-plant, and to deliver it to them when ready to be cut and transported to their manufacturing-houses; subject, however, to the conditions in the clauses under mentioned:

What persons among the natives may thus contract.

Second. "*Art. 1st.* That only the pottahdars of Government (or in amauny lands the aumil) be competent to enter into such contracts with Europeans; which condition has, however, been since modified as under the next section.

Exception in respect to the grounds of chupperbund ryots.

Third. "*Art. 2nd.* That even pottahdars of Government shall not be competent to apply the grounds occupied in husbandry by chupperbund or khud casht ryots not in balance as to their rent, to raise indigo on, without the latter's full and free consent."

In what instances putteedars and chupperbund ryots may contract with Europeans for the raising of indigo.

IX. *First.* But on a representation being made by some of the indigo-planters, that the prohibition in Clause Second, Section VIII. would prove highly prejudicial to them, and particularly expose them to undue exactions on the part of the pottahdars of Government; at the same time that they offered to hold the produce of the indigo crops at all times bound for the payment of the amount of the contract rates for which they should have agreed, so as always to prove an adequate security to the pottahdar or pottahdars of Government, for the jumma of the part of his or their zemindarry or farm planted with indigo; Clause Second, Section VIII. was, with a view to the promotion and general increase of cultivation, declared on the 22nd July, 1794, to be repealed, so far as that Europeans were pronounced at liberty to enter into contracts, on the above conditions, with the chupperbund or khud casht ryots, or with putteedars whose puttees might be distinct and separate, and have been divided off from the pottahdar's part of the estate, for cultivating, sowing, and rearing the indigo-plant by their own labour, within their respective limits of cultivation, in the same manner as is allowed to pottahdars under Section VIII.

Canongoe to fix the

Second. Where such indigo cultivation as is described under the first

clause of the present section shall take place in spots where hitherto the rent of the land payable by the ryot has been the moiety or other proportion of the produce, the canongoes shall in all such cases fix the money assessment which is to be on an indigo crop paid by the ryot or joint putteedar to the pottahdar of Government, whilst the indigo manufacturers are to pay to either of the two latter by whom the ground may be possessed the amount for which they shall have contracted.

money-rent on indigo culture in cases where it has heretofore been paid by betay.

Third. The rules contained in this section were declared by the resident to the parties soliciting them to be passed merely by way of experiment, and liable to such future amendment or entire revocation as might hereafter appear necessary, or as Government might at any time direct.

Rules in this section passed by way of experiment, and declared liable to be repealed if found unsuitable.

X. The authorities vested in, and duties required to be discharged by the resident, under the preceding sections, are to be considered as transferred, from the date of their entering respectively into office, to the judges of the City and Zillah Courts, from whose decisions appeals are to lie in all cases allowed by the Regulations.

In what degree the judges of the City and Zillah Courts are charged with the execution of the requisitions of this Regulation.

A.D. 1795. REGULATION XXXIV.*

Reg. XXXIV. 1795.

[EXTENSION OF REGULATION XXIV. 1793.]

A REGULATION *for re-enacting, with Modifications, the Rules respecting the Pensions payable from the Government and Moolky Treasuries in the Province of Benares:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE following rules are prescribed for determining the continuance or discontinuance of the pensions payable in money from the Government and the moolky treasuries at Benares.

II. The pensions under the heads of maash and rozeena, sanctioned by the Governor-General in the year 1781, amounting to Benares sicca rupees 33,296. 7 annas, having been originally granted, either wholly or in part, as indemnifications for ayma or other lands resumed under the native Government, are not to be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order issued for the confirmation of them, but are to be considered as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for and inherited in the same manner as other property.

First class of pensions to be considered as property.

* It is enacted by Sec. ii. Reg. XI. 1813, that no pensions shall be paid after the 1st October, 1813, unless the claimants prove their right to the same before the revenue authorities.

Second class of pensions to non-reinstated landholders determinable on the demise of the parties.

III. The second class of pensions payable from the treasury consist of allowances granted in 1781 by the Governor-General to certain persons who represented themselves to have been landholders in the zemindarry of Benares, and whom it was then intended to reinstate. Agreeably to the orders of the Governor-General in Council, under date the 11th of April, 1788, no part of these pensions are to be continued to the heirs of the persons now in the enjoyment of them, without his special sanction.

Third class of pensions, formerly issuable out of the local collections, and all other allowances of this description, depend for their continuance, after the death of the present holders, on the will of Government; as do the fourth or miscellaneous class of pensions.

IV. Besides the pensions noticed in the preceding section, there are others payable from the moolky treasury, which were heretofore paid by the aumils in their several pergunnahs, and for the amount of which they received credit in their accounts of the revenue; and also certain other miscellaneous allowances to individuals, receivable partly from Government's and partly from the moolky treasury, the continuance of all which depends on the conditions and limitations under which they were severally granted. But it is to be considered as a general rule, that the collector is to report to the Board of Revenue the death of all pensioners whose pensions are receivable either from the Government's or the moolky treasury, with the circumstances and conditions of the original grant, and the several orders that may have been subsequently passed on the subject. The Board of Revenue are to submit this report, with their sentiments on the case, to the Governor-General in Council, who will thereon issue such orders as may be applicable respecting the continuance or resumption of each particular pension or allowance.

See Sec. iii. Reg. XXII. 1806.

Fifth class. Allowance for khelauts to the cauzy and mufty at the two Eeds.

V. The cauzy and mufty of Benares having always received khelauts at the two Eeds, or annual Mahomedan festivals, denominated the Eedyn, the fixed expense of such khelauts is to be defrayed by the collector in the usual manner.

Sixth class of pensions.

Allowance to indigent and helpless persons who formerly had assignments on the abolished sayer.

All the pensions in this class to lapse on the death of the holders.

How to be again granted to proper objects.

VI. The sixth class of pensions consist of the allowances granted by the order of the Governor-General in Council of the 11th of February, 1791, and paid from the Fussily year 1200 (1792-3) to such of the persons who formerly received pensions from the sayer, as from indigence, age, or helplessness, were deemed objects of real charity, under tusheas or certificates, specifying that such pensions were to cease on the death of the holders. That this fund may continue to be faithfully applied to its original object, by being appropriated solely to the relief of those natives and settled inhabitants of the district of Benares who, from age, sex, or infirmity, shall be unable to provide for themselves or earn a livelihood by their labour, it shall be the duty of the collector of Benares to report immediately to the Board of Revenue the demise of every pensioner on this list, and to recommend the transfer of the pension, wholly or in part, to one or more proper objects. The board are to submit this recommendation to the Governor-General in Council, with their opinion on it; and in the event of its being approved by him, they are to order the collector to grant a tushea or certificate for the pension, under his seal and signature, bearing date from the demise of the last holder. This certificate is to specify the sex and age of the party on whom the pension may be conferred, and the motive for bestowing it on him or her, with a provision that it is to

See Sec. vii. Reg. XXII. 1806.

be continued only during the natural life of the holder. The aggregate of the pensions specified in this section is not be increased beyond the present amount of them, excepting by order of the Governor-General in Council.

Seventh class of charitable allowances defrayable from the offerings of the temple of Bindabashnee.

VII. Certain charitable allowances are likewise defrayable from the religious offerings made at the temple of Bindabashnee near to Mirzapoor, the distribution of which (as hitherto made to the parties entitled to receive it under the authority of the native judge) is to be continued as formerly; with this alteration, that the distribution is to be made, under the orders of the Board of Revenue and the Governor-General in Council, by the collector, who is to be held responsible for the proper dispensation of the charity, agreeably to the established rules for the management of it. If any of the parties interested in this fund shall deem themselves aggrieved by the orders of the collector, they may represent the circumstances to the judge of the Dewanny Adawlut, who is to forward the petition to the Governor-General in Council, who reserves to himself the power of passing such determination on the petition as may appear to him proper.

For what future or renewed pensions the collector is to grant certificates.

VIII. For every pension which may be hereafter granted by the Governor-General in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from either of the before-mentioned treasuries at Benares, the collector shall deliver to the party by whom the pension is to be received a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and the date of the grant.

Register of pensions to be kept.

IX. The collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or other sunnuds and vouchers under which they are held, in a register in the English and Persian languages to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may detect any future attempt to transfer them to others.

Pensions to be paid monthly.

X. The annual amount of the pensions is to be issued in monthly proportions, agreeably to the practice which has hitherto prevailed in the province.

See Secs. iv. and v. Reg. XI. 1813.

Rule for the payment of pensions exceeding fifty rupees per annum by the collector.

XI. All persons receiving pensions exceeding fifty *sicca* rupees per annum are to attend the collector in person, at the stated periods, to receive the amount of their respective pensions; and the collector is prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pensions to their authorized vakeels; but he is to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable,

he is to ascertain whether the party who received it be deceased, and report accordingly.

XII. and XIII. [What officers are to pay the pensions.]—*The provisions of these sections are identical with those of Sections XV. and XVI. Regulation XXIV. which were rescinded by Section V. Regulation XI.* 1813: *and although these sections are not included in the rescission, they are superseded by the rules in Clauses Second and Third, Section V. Regulation XI.* 1813.

Courts of Judicature not to take cognizance of claims to pensions except under Sec. ii.

But they may hear complaints against a collector or any person for withholding the payment of the pension which may have been adjudged.

XIV. The determining upon the continuance of the pensions and allowances to which this Regulation relates being provided for, in respect to each class, under the rules prescribed in the several sections in which they have been successively noticed, all claims to such pensions and allowances, with the exception of those specified in Section II. are declared not cognizable in any Court of Judicature. But if a collector *or a cauzy*, or any person entrusted with the payment of pensions under this Regulation, shall withhold from any pensioner the pension to which he or she may be entitled, the collector, or person withholding the pension, shall be liable to be sued for such act in the Dewanny Adawlut of the jurisdiction in which the pension may be payable; and provided proof be made, to the satisfaction of the court, that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause, to the satisfaction of the court, for having withheld the pension, the court is to order it to be discharged, and compel the collector, or other person by whom the pension may have been withheld, to pay to the complainant such sum for costs as may appear to it equitable.

See Reg. II. 1814.

Reg. XXXV. 1795.

A.D. 1795. REGULATION XXXV.

A REGULATION *for better enabling Individuals to recover Arrears of Rent or Revenue due to them:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. GOVERNMENT not admitting of any delay in the payment of the public revenue receivable from proprietors and farmers of land, justice requires that they should have the means of levying their rents and revenues with equal punctuality, and that the persons by whom they may be payable, whether under-farmers, dependent talookdars, ryots, or others, should be enabled, in like manner, to realize the rents and revenues from which their engagements with the proprietors or farmers are to be made good. Regulation XVII. 1793, was enacted with a view to enable all of the above-mentioned descriptions of individuals to enforce payment of arrears of rent or revenue without application to the Courts of Judicature,

as far as the amount might be realizable from the crops and personal property of the defaulter, leaving him to sue in the courts for redress, in the event of any sums being unjustly exacted from him. This was the leading principle of the Regulation; but to prevent so extensive a power being abused on the first delegation of it, provisions were made for obliging the distrainer to withdraw the attachment on property, in the event of his demand being contested by the defaulter, and of his giving security to try the justness of it within a specific time in the court of judicature, and to pay interest on the amount, with costs, in case of its being decreed to be due. These provisions, however, have been found to counteract the object of the Regulation, by the delay, often unavoidable, in bringing suits to a conclusion, and the opportunity which they afford to defaulters of protracting the discharge of just demands. In large estates, in which extensive tracts of country are under-farmed, the under-farmers often fall in arrear to so considerable an amount, as to render the realizing of the deficiency by the distress of their personal property impracticable. In such cases, the proprietors or farmers are obliged to sue the defaulter or his surety in the Dewanny Adawlut for the recovery of the arrears; but as the persons to whom the arrears may be due are not allowed any suspension in their payments to the public whilst the suit is depending, the lands of proprietors are liable to be sold, and the persons and property of farmers are subject to attachment, for deficiencies arising not from their own misconduct or mismanagement, but from breach of engagements on the part of their under-farmers. To obviate the above inconveniences, the following rules have been enacted.

Sections ix. and x. of Regulation XVII. 1793, *and* part of Section viii. rescinded.

II.* *Sections IX. and X. Regulation XVII.* 1793, *by which distrainers are required to withdraw the attachment on distrained property, on the person from whom the arrear is demanded denying the justness of the demand, and giving security to have it tried in the Dewanny Adawlut within a certain time, and to pay interest to the date of the decree, with costs, in the event of the demand being decreed to be just, are hereby rescinded,** together with the following clause of Section VIII. of that Regulation; viz. "or he shall contest the demand, and procure the attachment to be withdrawn in the manner hereafter specified."

Distrainers allowed to affix their signature only to writings for the distress of property.

III. In future, distrainers are permitted to affix their signature only to writings for the attachment of property, instead of both their seals and signatures, as required by Section VIII. Regulation XVII. 1793.

Section xxii. Regulation XVII. 1793, regarding the sale of distrained property, rescinded.

IV. Section XXII. Regulation XVII. 1793, regarding the mode of selling distrained property, is hereby rescinded, and the rule contained in the following section is adopted in lieu of it.

Rules regarding the sale of distrained property.

V. After the expiration of the fifth day and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or if the property attached shall consist of crops or other ungathered products of the earth, after the elapse of the fifth day and before the expiration of the eighth

* Superseded by Secs. xv. and xvi. Regulation V. 1812, in which Secs. ix. and x. Regulation XVII. 1793, are re-enacted.

day, commencing from the day following the day on which such crops or products may have been stored as directed in Section XIII. Regulation XVII. 1793, the distrainer shall apply to the *cauzy of the pergunnah** to have the same appraised and sold. Upon the receipt of such application, the *cauzy** shall proceed as follows. He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice which shall specify, Firstly, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar or haut, or any place of public resort where the *cauzy* may be of opinion it is likely to sell to the best advantage; Secondly, the day on which it is to be sold, [*which shall be the fifteenth day, commencing from the day following the day on which the attachment may take place, unless the property shall consist of crops or other ungathered products of the earth, in which case the sale shall be made on the fifteenth day calculating from the day following the day on which such crops or products may be stored, as directed in Section XIII. Regulation XVII.* 1793;] and Thirdly, the time of the day when the sale is to be made, which shall be during the hours of business when the greatest number of people may be supposed to assemble. The *cauzy** shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing, at the foot of the paper, that they have appraised the property according to the best of their knowledge and judgment. The *cauzy** shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house, and at the place where the property is to be sold. The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case samples only, indiscriminately taken from each article, shall be brought to the place of sale, and exposed for the purpose above mentioned. The property shall be put up to sale in one lot, or in two or more lots, as the *cauzy** may think advisable. The property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear, and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The *cauzy** is, in every case, to examine the distrainer's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint shall sell or dispose of property which he may have attached for arrears of rent

Distrainer to apply to the *cauzy of the pergunnah* to sell the property.

Acts to be done by the *cauzy* on receipt of the application; viz.

to publish at the places herein specified a list of the property;

the place of sale;

the day of sale;

Rescinded by Sec. iv. Reg. VII. 1799.

and the hour of the day when the sale is to be made;

to appoint appraisers to value the property;

See Sec. xviii. Reg. V. 1812.

to fix up the paper of appraisement at the places herein specified;

to cause the property or samples of it to be brought and exposed at the place of sale;

to put up the property to sale in one, or two, or more lots;

See Sec. xix. Reg. V. 1812.

to dispose of the property to the highest bidder;

to return any overplus in the proceeds to the defaulter;

to sell further property for any deficiency;

and to examine and check the distrainer's statement of expenses attending the attachment and sale.

Penalty for distrainers disposing of dis-

* It is enacted by Act I. 1839, that no person shall have authority by virtue of any office to sell property distrained for arrears of rent, and that it shall be lawful for collectors to appoint commissioners for the sale of distrained property.

or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.

trained property in any manner excepting that herein directed.

VI. Section XXVI. Regulation XVII. 1793, regarding the payment of the purchase-money of distrained property, is hereby rescinded, and the rule contained in the following section is enacted in lieu of it.

Section xxvi. Regulation XVII. 1793, rescinded.

VII. The property shall be paid for in ready money at the time of the sale, and the purchaser shall not be permitted to carry away any part of the property which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase-money within five days, calculating from the day following the sale, the whole of the property, or the part of it which may be unpaid for, shall be resold by the *cauzy*, on such day as he shall fix, for the best price that may be offered for it. The defaulting purchaser shall forfeit to the distrainer ten per cent. on the amount of the price at which he shall have purchased the property so resold, and make good to him any loss that may arise, as well as the expenses that may be incurred on the resale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.

New rule regarding the payment of the purchase-money for distrained property.

Superseded by Act 1. 1839.

VIII. *To facilitate the sale of distrained property, every person having a commission from the judge of the zillah to hear and determine civil suits not exceeding fifty rupees, under Regulation XL.* 1793, *is authorized and required to dispose of, under the rules prescribed to cauzies in Regulation XVII.* 1793, *and this Regulation, any property that may be distrained in the pergunnah in which he may reside, and for the sale of which application may be made to him. The cauzies are likewise to continue to exercise the authority vested in them by Regulation XVII.* 1793, *and this Regulation; and where a greater number of persons to be vested with this authority shall be requisite in any pergunnah for facilitating the sale of property, the judge is empowered to appoint them.* But no person vested with the power of disposing of distrained property shall sell property that may have been distrained for arrears due to himself. Persons of this description having occasion to levy arrears by distress, are to apply to some other person duly empowered for the sale of the property.

Native commissioners appointed under Regulation XL. 1793, *empowered to sell distrained property.*

IX. to XX. [Summary process for recovery of arrears.]—*Superseded by Section XIV. Regulation VII.* 1799.

Reg. XXXVI. 1795.

A.D. 1795. REGULATION XXXVI.

A REGULATION *for repealing Section VII. Regulation VIII.* 1794, *and empowering the Judges of the Zillah and City Courts to hear Appeals from Decisions which may be passed by their Registers under that Regulation, and rendering final the Decisions of the Judges in all such Appeals where the Suit may be for Money or personal Property; for making final the Decrees of the Judges of the Zillah and City Courts, in Appeals from Decisions passed by the Native Commissioners appointed under Regulation XL.* 1793; *for rendering Serberakars, or Managers of joint undivided Estates, eligible to the Office of Commissioner for hearing and deciding Suits under Regulation XL.* 1793; *for providing against the Loss or Miscarriage of the Proceedings in Trials referred by the Judges of Circuit to the Nizamut Adawlut, or the Sentences or Orders of that Court on such Trials; and for establishing another Court of Dewanny Adawlut in the Districts now comprised in the Zillah of Burdwan:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

I. THE appeal immediately to the Provincial Courts of Appeal, from decisions passed by the registers, allowed by Section VII. Regulation VIII. 1794, interfering considerably with the more important duties of those courts, and the Governor-General in Council being of opinion, that from decisions passed by the registers to the Zillah and City Courts for money or personal property under Regulation VIII. 1794, and from decisions of the native commissioners appointed under Regulation XL. 1793, one appeal to the judge of the zillah or city will be sufficient for the purposes of justice, or at all events, that the advantages which might be expected to result from allowing of a further appeal to the Provincial Courts of Appeal from the decisions of the judges of the zillahs and cities, would be more than counterbalanced by the delay in the determination of causes of greater importance, that must necessarily arise from the considerable portion of the time of the Zillah and City Courts and the Provincial Courts of Appeal which would be occupied in preparing and transmitting the records of the trials in these petty causes and in the decision of them; and with a view to render serberakars, or managers of joint undivided estates, eligible to the office of commissioner for the decision of suits under Regulation XL. 1793, and to provide against the undue detention of prisoners in confinement, or delay in the execution of sentences or orders of the Nizamut Adawlut, by the loss or miscarriage of the proceedings in trials referred to that court, or of the sentences or orders on such trials, and to accelerate the decision of civil suits arising in the districts now comprised in the zillah of Burdwan, which, from the great extent of the zillah, have been found too numerous for one court to determine with sufficient expedition; the following rules have been enacted.

Section vii. Regulation VIII. 1794, rescinded.

II. Section VII. Regulation VIII. 1794, empowering the Provincial Courts of Appeal to hear appeals from certain decisions passed by the registers to the Zillah and City Courts under that Regulation, is hereby rescinded.

III. [Appeals from register to zillah judge.]—*Extinct, the office of zillah register having been abolished by Section XXIX. Regulation V.* 1831.

IV. [Decrees of zillah judges in appeals from registers and native commissioners final.]—*Extinct, the office of register having been abolished and that of native commissioner newly constituted.*

V. [Serberakars may be commissioners.]—*Rescinded by Section II. Regulation XXIII.* 1814.

Provisions against the loss or miscarriage of the proceedings in trials referred by the *Courts of Circuit* to the Nizamut Adawlut, or of the sentences or orders of the court on such trial.

VI.* Previous to the commencement of each *circuit*, the *Courts of Circuit* are to examine the lists of trials held on the preceding *circuit*, which may have been referred by them to the Nizamut Adawlut; and in the event of their not having received the orders or sentence of that court on any trial so referred, they are to report the same to the court, that in the event of the proceedings not having been received by the court, duplicates of such proceedings, or of the sentences or orders passed thereon, which may have miscarried, may be forwarded or issued before the commencement of the ensuing *circuit*, that the sentence or orders of the Nizamut Adawlut on such trials may be forthwith passed or executed.

VII. [Division of Burdwan into two zillahs—Burdwan and Hooghly.] —*Superseded by later arrangements; and see Act XXI.* 1836.

* Though the Courts of Circuit have been abolished, this rule may be applicable in its spirit to commissioners of circuit and session judges.

A.D. 1795. REGULATION XXXVII.

Reg. XXXVII. 1795.

A REGULATION *for better enabling the Sudder Dewanny Adawlut to judge of the Progress made by the Zillah and City Courts, and the Provincial Courts of Appeal, in determining the Suits now depending before them, and also of the Expedition with which Suits hereafter filed may be decided:* PASSED *by the Governor-General in Council, on the 27th March,* 1795.

[Rescinded by Section II. Regulation VII. 1829.]

Reg. XXXVIII. 1795.

A.D. 1795. REGULATION XXXVIII.

A REGULATION *for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause Sixth, Section V. Regulation XL.* 1793; *and for the Appropriation of the Fees so collected:* PASSED *by the Governor-General in Council, on the* 10*th April,* 1795.

[This Regulation is superseded by the substitution of stamps for the fees here prescribed.—See Regulation X. 1829, Schedule B.]

Reg. XXXIX. 1795.

A.D. 1795. REGULATION XXXIX.

A REGULATION *for abolishing the Calcutta Customs or Town Duties, collected under the several Sections of Regulation XLII.* 1793, *from Section XXI. to the Conclusion of the said Regulation; and for reviving, with Alterations, the Government Customs formerly levied at the Port of Calcutta, and discontinued on the* 20*th June,* 1788; *and prescribing to what Courts Individuals considering themselves aggrieved under the Regulations respecting the Government Customs in the Provinces of Bengal, Behar, or Orissa, by the Act of any Collector of the said Customs, or his Officers, or by any Act or Order of the Board of Trade or the Governor-General in Council, are to apply in the first instance for Redress:* PASSED *by the Governor-General in Council, on the* 22*nd May,* 1795.

[Rescinded by Clause First, Section II. Regulation IX. 1810.]

Reg. XL. 1795.

A.D. 1795. REGULATION XL.

A REGULATION *for modifying such Parts of Section III. and Clause Third, Section VIII. and Section IX. Regulation XXX.* 1793, *as relate to the Rewards payable on Information being given of the illicit Manufacture, Transportation, or Importation of Salt; and for increasing the Rewards, and authorizing the Servants of Government to benefit by them; and for modifying and altering the Rules and Restrictions contained in Section IV. Regulation XXX.* 1793, *and Sections XXXIV. and XXXV. Regulation XLII.* 1793, *in respect to the Importation of Muscat Salt:* PASSED *by the Governor-General in Council, on the* 1*st June,* 1795.

[Rescinded by Section II. Regulation VI. 1801.]

A.D. 1795. REGULATION XLI.*

Reg. XLI. 1795.

A REGULATION *prescribing Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government in the Province of Benares, under Grants not being of the Description of those termed Badshahee or Royal, nor made by the Supreme Power for the time being; and for determining the Amount of the Annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the Payment of public Revenue:* PASSED *by the Governor-General in Council, on the* 31*st July*, 1795.

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land (demandable in money or kind according to local custom), unless it tranfers its right thereto for a term or in perpetuity, or limits the public demand upon the whole of the lands belonging to an individual, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, whilst he continues to discharge the latter. As a necessary consequence of this law, if a zemindar made a grant of any part of his lands to be held exempt from the payment of revenue, it was considered void, from being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Numerous grants, however, of this description have been made, not only by the zemindars but by aumils, and other officers of Government appointed to the temporary superintendence of the collection of the revenue, under the pretext that the produce of the lands was to be applied to religious or charitable uses. Of these grants, some were applied to the purposes for which they were professed to have been made; but in general they were given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the grantor, or sold to supply his private exigencies. In conformity to the principles which prevailed under the native administration, the British Government have at various times declared all grants for holding land exempt from the payment of revenue made since the 1st July, 1775 (the date of the final cession of the province of Benares to the Company), without their sanction, illegal and void; and the Governor-General in Council deems it incumbent on him to recover the public dues thus alienated in opposition to the ancient and existing laws of the country, as also to resume the revenue of all lands the grants for which have expired, the proprietors of estates not being entitled to collect such of the public dues from the lands included in their estates, as Government may have judged it advisable to transfer to individuals, or to resume those which have been alienated by themselves or others, the amount in both cases being excluded from the assets on which the permanent settlement has been formed. The Governor-General in Council, however, at the

* See note to Regulation XIX. 1793.

same time that he is desirous of recovering the public dues from lands which have been illegally alienated, is equally solicitous that persons holding such grants under titles that are declared valid should be secured in the possession and enjoyment of their property. It is likewise his wish, that the recovery of the dues of Government from those lands which have been illegally alienated previous to the commencement of the Fussily year 1196 should be attended with as little distress as possible to the possessors; and to obviate all injustice or extortion in the inquiry into the titles of persons holding exempted lands, he has further resolved that the claims of the public on their lands (provided they register the grants as required in this Regulation) shall be tried in the Courts of Judicature, that no such exempted lands may be subjected to the payment of revenue until the titles of the proprietors shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the recovery of the public dues from lands held exempted under invalid grants, as well as to prevent any similar alienations being hereafter made, to the prejudice of the security of the public revenue which has been assessed in perpetuity upon the estates of individuals; and further, that Government and the officers employed in the collection of the public revenue may at all times have in their possession a correct register of the lands in the province of Benares held exempt from the payment of revenue, the following rules have been enacted.

II. [*Same as Section II. Regulation XIX.* 1793, *substituting* "1st July, 1795," *and* "the date of the cession of the provinces of Benares to the Company," *for* "12th August, 1765," *and* "the date of the Company's accession to the Dewanny."]

All grants made or confirmed since the 1st July, 1775, excepting by the authority of Government or its officers duly empowered, declared invalid.

See Sec. iii. Reg. XIV, 1825.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 1st July, 1775, and previous to the beginning of the Fussily year 1196, by any other authority than that of Government, and which may not have been confirmed by Government or by any officer empowered to confirm them, are declared invalid.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

Second. If doubts shall be entertained by any *court* as to the competency of the authority of any officer to confirm any such grant, the *court* is to suspend its judgment, and report the circumstances of the case to the Governor-General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise; and the *court*, upon receiving the determination of the Governor-General in Council, shall decide accordingly.

Exception in favour of lands not exceeding ten begahs granted before the dates herein specified, which are appropriated to religious or charitable purposes.

Third. The rule contained in Clause First is not to be considered to extend to authorize the subjecting to the payment of revenue, any land, the grants for which, whether for the life of the grantee or otherwise, were made previous to the 1st of July, 1775, where the quantity of land granted shall not exceed ten begahs, and the produce of it is bonâ fide appropriated as an endowment on temples, or to the maintenance of Brahmins, or other religious or charitable purposes. The rule in this clause is declared to extend also to all grants of land whatever not exceeding ten begahs, made previous to the above date, the produce of which may be now so appropriated.

See Secs. xv. xvi. and xvii. Reg. VII. 1822.

IV. This Regulation, as far as regards lands alienated previous to the commencement of the Fussily year 1196, respects only the question whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previous to that date, and which in conformity to this Regulation may become subject to the payment of revenue, is to be considered as a matter of a private nature to be determined by the Courts of Dewanny Adawlut, in the event of any dispute or claim arising respecting it between the grantee and the grantor, or their respective heirs or successors. The grantees, or the present possessors, until dispossessed by a decree of the Dewanny Adawlut, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates subject to the payment of revenue, and they are to execute engagements for the revenue with which their lands may be declared chargeable, either to Government, or to the proprietor or farmer of the estate in which the lands may be situated, or to the officer of Government (according as the revenue of the estate in which the land may be situated may be payable by the proprietor or a farmer, or collected khas), under the rules for the permanent settlement. If by the decision of the Dewanny Adawlut the proprietary right in the land shall be transferred, the person succeeding thereto is, in like manner, to be responsible for the payment of the revenue assessed or chargeable thereon.

Questions regarding the proprietary right in lands alienated before the commencement of the Fussily year 1196, and adjudged liable to the payment of revenue, to be determined in the Dewanny Adawlut; this Regulation with respect to such lands relating only to the revenue.

V. By continuing the proprietary right in the land to the grantee or possessor, as specified in the preceding section, instead of dispossessing him of the land altogether, agreeably to former usage, and assessing the land in the mode prescribed in the two following sections, a liberal provision will be left to him. Where the grant may have been made subsequent to the 1st July, 1775, and previous to the 31st August, 1781, the proprietor will hold his land as an estate paying a fixed revenue of only half the amount assessed on other malguzarry lands in the country; and where the grant may have been made subsequent to the last-mentioned period, and previous to the commencement of the Fussily year 1196, he will hold the land subject to the payment of the same revenue as other lands assessed with revenue under the rules for the permanent settlement, as hereafter directed.

Benefits arising to the grantee or possessor by his being continued in possession of the land under the preceding section.

See Cl. 1, Sec. iii. Reg. II. 1819.

VI. The revenue assessable under Section IX. on land not exceeding fifty begahs of the measurement that may prevail in the pergunnah wherein it may be situated, and whether lying in one village, or two or more villages, and that may have been alienated by any one grant made previous to the Fussily year 1196, and which may be adjudged or become liable to the payment of revenue, shall belong to the person or persons responsible for the discharge of the revenue of the estate or putteedarry in which the land may be situated, notwithstanding any thing said in Section V. Regulation XXVII. 1795, and he shall not be liable to the payment of any additional revenue on account of the assessment which may be chargeable on such lands, during the continuance of the engagements under which he may pay the revenue of such estate or putteedarry, when the land may be so adjudged liable to the payment of revenue. If the estate or putteedarry shall be held amauny or khas when the lands

To whom the revenue assessed on lands not exceeding fifty begahs, alienated before the Fussily year 1196, shall belong.

are declared liable to the payment of revenue, the amount is to be collected by, and paid to, whomsoever the rents and revenue of the estate or talook may be payable, until a settlement shall be concluded for the revenue of it, either with the proprietor or a farmer.

The revenue assessable on lands exceeding fifty begahs, alienated prior to the Fussily year 1196, declared to belong to Government.

VII. The revenue assessable under Section VIII. on land exceeding fifty begahs of the measurement that may prevail in the pergunnah wherein it may be situated, and whether lying in one village, or two or more villages, and alienated by any one grant made previous to the Fussily year 1196, and which may be adjudged or become liable to the payment of revenue, is declared to belong to Government, but is to be paid through the proprietor of the estate from which the alienation was originally made, under Clause Third, Section XIV. Regulation II. 1795.

VIII. *First.* [*Same as Clause First, Section VIII. Regulation XIX.* 1793.]

Second. If the grant shall have been made previous to the 31st August, 1781, the revenue to be paid to Government [*&c. as in Clause Second, substituting* "amauny" *for* "khas," *and omitting the words* "under the rules prescribed in Regulation VIII. 1793."]

Third. If the grant shall have been made subsequent to the 31st August, 1781, the revenue or jumma to be paid to Government from the land shall be assessed agreeably to the rules prescribed in Regulation V. 1795, for forming the settlement [*&c. as in Clause Third, inserting the words* "amauny or" *before* "khas," *and the words* "and quartennial" *after* "decennial."]

IX. The rules in the preceding section are to be held applicable to the lands specified in Section VI. with this difference, that the proprietor, farmer, putteedar, or officer of Government [*&c. as in Section IX. Regulation XIX.* 1793, *substituting* "puttee" *for* "talook."]

X. All grants for holding land exempt from the payment of revenue, whether exceeding or under fifty begahs, that have been made since the beginning of the Fussily year 1196 [*&c. as in Section X. Regulation XIX.* 1793, *omitting the words* "or dependent talook," *and* "and of joint undivided estates," *and substituting* "putteedar" *for* "dependent talookdar."]

XI. [*Same as Section XI. Regulation XIX.* 1793, *substituting* "putteedar" *for* "dependent talookdar."]

XII. XIII. XIV. [Suits by collectors for the recovery of invalid lakheraj.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

XV. The collectors of the revenue are to defend all suits that may be instituted against Government (who alone, agreeably to the principles prescribed in this Regulation, can be the defendant), by any individual claiming a right [*&c. as in Section XV. Regulation XIX.* 1793, *inserting* "city or" *before* "zillah court"; *and substituting* "Section XXXVI. Regulation VI. 1795," *for* "Section XXX. Regulation XIV. 1793.

XVI. [Courts to award costs in cases of groundless prosecution].—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

XVII. [*Same as Section XVII. Regulation XIX.* 1793, *substituting* "beginning of 1196, Fussily," *for* "1st December, 1790."]

XVIII. [*Same as Section XVIII. Regulation XIX.* 1793.]

XIX. [Revenue to be paid from date of first decree for resumption.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

XX. [*Same as Section XX. Regulation XIX.* 1793.]

XXI. [*Same as Section XXI. Regulation XIX.* 1793, *substituting* "Regulation XIX. 1795," *for* "Regulation XVIII. 1793."]

XXII. That Government and its officers may, at all future periods, have in their possession a complete register of the lands throughout the province of Benares [*&c. as in Section XXXII. Regulation XIX.* 1793, *substituting* "fifty begahs" *for* "100 begahs," *and* "the Fussily year 1196" *for* "the 1st December, 1790"].

XXIII. [*Same as Section XXIII. Regulation XIX.* 1793.]

XXIV. [*Same as Section XXIV. Regulation XIX.* 1793, *substituting* "fifty begahs" *for* "100 begahs," *and* "Fussily, 1196," *for* "1st of December, 1790."]

See Sec. xix. Reg. VIII. 1800.

Publication to be made requiring all persons to register their grants.

XXV. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector, upon the receipt of this Regulation, is to cause the following publication, which shall be written in the Persian language, and the Hindostanee language and Nageree character, and attested with his official seal and signature, to be fixed up in the principal cutcherry of every proprietor and farmer of land paying revenue immediately to Government, and of every native collector in lands held amauny or khas by Government, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it.

Publication.

"In conformity to Regulation XLI. 1795, every person being actually in possession of maafy mujray, or kishnarpun, baghaut, or other land now exempt from the payment of revenue, in the estate of ——— or the farm of ———, or the amauny or khas lands under the charge of ———, whether exceeding or under fifty begahs of the measurement of the pergunnah in which the land may be situated, and whether comprising or lying in one village or two or more villages, and which may be held in virtue of any grant made previous to the Fussily year 1196, and whether made or confirmed by the Government of the country for the time being or its officers, or any other authority, are required to register the following particulars respecting such lands in the office of the collector, before the expiration of one year from the date of this publication. If

any holders of such grants shall not so register their grants, either in person or by a vakeel, with a vakalutnamah attested by two credible witnesses, and given for the express purpose of registering the grant, the lands will be considered liable to the payment of revenue, in the same manner as if they had been adjudged to be so by a final decree of a Court of Judicature. Persons having claims only to hold land exempt from the payment of revenue, but who do not now hold the lands exempt from the payment of revenue, are not to register the land so claimed by them.

"Denomination of the grant, whether maafy mujray, kishnarpun, baughaut, or other tenure.

"Name of the grantor.

"Name of the original grantee.

"Name of the present possessor, and if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily or by purchase, or what other mode.

"Date of the deed, if the grant be in writing, and if not the date on which the grant was made.

"The name or names of the village or villages comprised in the grant, or in which the land may be situated. See note to Sec. xxi. Reg XIX. 1793.

"The measurement of each village, or the villages, or the land included in the grant.

"The pergunnah or pergunnahs in which the land may be situated.

"A copy of the original grant, and other writings, under which the land may be held."

XXVI. [*Same as Section XXVI. Regulation XIX.* 1793, *substituting* "fifty begahs" *for* "one hundred begahs."]

XXVII. and XXVIII. [*Same as Sections XXVII. and XXVIII. Regulation XIX.* 1793.]

XXIX. [*Same as Section XXIX. Regulation XIX.* 1793, *substituting* "XLI. 1795," *for* "XIX. 1793," and "Fussily year 1196," *for* "1st December, 1790."]

XXX. [*Same as Section XXX. Regulation XIX.* 1793, *substituting* "the province of Benares" *for* "each province."]

XXXI. [*Same as Section XXXI. Regulation XIX.* 1793, *substituting* "city of Benares" *for* "zillah."]

In what language the counterpart registers are to be kept.

XXXII. The counterpart registers are to be kept in the Persian language, [*and the Hindostanee language and Nageree character*]. Rescinded by Sec. xv Reg VIII. 1800.

Manner in which resumptions, and other occurrences regarding exempted lands, in the intervals between the forming of the periodical registers, are to be recorded.

XXXIII. For the purpose of recording all resumptions or other occurrences respecting the lands which form the subject of this Regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collector is to prepare a book, of such dimensions as the Board of Revenue may pre-

scribe, and which shall be denominated "The register of intermediate resumptions, or other occurrences respecting grants of exempted land not badshahee;" and shall have the following inscription on the back, "Register formed under Regulation XLI. 1795, of intermediate resumptions or other occurrences respecting lands held exempt from the payment of revenue under grants not badshahee or royal, made previous to the Fussily year 1196, in the province of Benares, between the commencement of the year —— and the expiration of the year ——, Fussily era." Previous to any entries being made in this register it is to be paged; and the judge of the Dewanny Adawlut of the city of Benares is to sign each leaf of it, and on the last leaf note, in his own handwriting, the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register all grants not registered within the time prescribed in the publication in Section XXV. which the Governor-General in Council may order to be admitted upon the register under Section XXVI.; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land now subject to the payment of revenue, which the Governor-General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from, or annexed to the province of Benares, with the authority for the several occurrences, and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to Government, in the cases specified in Section XXI. in which entries are directed to be made in that register.

XXXIV. In the event of the province of Benares being hereafter divided into two or more collectorships, and of mohauls being ordered to be separated from one collectorship and annexed to another, [*&c. as in Section XXXIV. Regulation XIX.* 1793].

How such separations of exempted lands are to be notified to the Courts of Judicature.

XXXV. Upon the arrival of the period when the separation is to be carried into effect, the collector of the district from which the separation may be directed to be made is to transmit to the judge of the Dewanny Adawlut from the jurisdiction of which the lands may be ordered to be separated, and also to the *Provincial Court of Appeal of the division*, copies of the entries in the last periodical register and register of intermediate resumptions, which may relate to the grants to be separated from his district; and the collector to whose district the annexation may be made is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding section) to the judge of the jurisdiction to which the lands may be annexed. Immediately upon the receipt of these papers, the court from the jurisdiction of which the separation may be made is to transmit the papers in any causes depending before it, which, in consequence of the separation, may become cognizable in any other court, to such court, and to cause notification thereof to be communicated to the parties in writing.

XXXVI. [*Same as Section XXXVI. Regulation XIX.* 1793.]

XXXVII. [*Same as Section XXXVII. Regulation XIX.* 1793, *substituting* "city of Benares" *for* "zillah."]

XXXVIII. [*Same as Section XXXVIII. Regulation XIX.* 1793, *substituting* "city" *for* "zillah."]

XXXIX. XL. [*Same as Sections XXXIX. and XL. Regulation XIX.* 1793.]

XLI. [*Same as Section XLI. Regulation XIX.* 1793, *omitting the words* "in the several zillahs."]

To whom the collectors are to send copies of each periodical register, and the quarterly entries in the register of intermediate occurrences.

XLII. The collector is to transmit as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers, both in the English and native languages, each in a book of the prescribed size, paged and attested by the judge of the Dewanny Adawlut of the city of Benares, in the same manner as the original register, as directed in Section XXIX. and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Fussily year, an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months: [*The collector is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judges of the Dewanny Adawluts of the city and zillahs in the province, and to the Provincial Court of Appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers, and of the quarterly entries in the registers of intermediate resumptions, as soon as they may receive them from the collector.*]

See Secs. IV. and VII. Reg. VIII. 1800.

Rescinded by Sec. IV. Reg. VIII. 1800.

XLIII. [*Same as Section XLIII. Regulation XIX.* 1793.]

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XLIV. The periodical register which is to be formed at the commencement of the Fussily year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another zillah, and with the addition of any such grants of land that may have been annexed to the zillah (in the event of the province being hereafter divided into two or more zillahs or collectorships), or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor-General in Council under Section XXVI. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

XLV. If it shall be proved, to the satisfaction of the judge of the Dewanny Adawlut of the city or any zillah, [*&c. as in Section XLV. Regulation XIX.* 1793].

XLVI. [*Same as Section XLVI. Regulation XIX.* 1793.]

XLVII. [*Same as Section XLVII. Regulation XIX.* 1793, *substituting* "sovereignty of Benares" *for* "dewanny."]

XLVIII. No part of this Regulation is to be construed to extend to jaghire, altumgah, muddud maash, ayma, or other grants of land termed badshahee or royal, and held, or stated to be held, under a royal firmaun. The rules applicable to such grants are contained in Regulation XLII. 1795.

This Regulation not to be considered to extend to badshahee grants.

A.D. 1795. REGULATION XLII.*

Reg. XLII. 1795.

A REGULATION *for enacting, with Modifications, the Rules for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, altumgah, jaghire, and other Lands, in the Province of Benares, exempt from the Payment of public Revenue, under Grants termed Badshahee or Royal, or made by the Supreme Power for the time being; and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands, the Grants for which may expire or be adjudged invalid:* PASSED *by the Governor-General in Council, on the* 31*st July,* 1795.

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land, unless it transfers its right thereto for a term or in perpetuity. As a necessary consequence of this law, every grant or alienation of Government's proportion of the produce of land, without its sanction, was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native Government, grants, under the denomination of jaghire, altumgah, and other appellations, were occasionally made of the Government's share of the produce of lands, for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government have continued in possession the grantees and their heirs, as far as respects such of these grants as were hereditary, and were made before the 1st July, 1775, the date of the cession of the province of Benares to the Company, provided the grantees or their heirs obtained possession previous to that date: but those grants which were for life only have been invariably considered as resumable from the death of the grantees. No complete register of these grants having been formed on the cession of the province to the Company, nor subsequent to that period, many persons may have retained possession of lands under fabricated or antedated grants, or suc-

* See note to Regulation XXXVII. 1793.

ceeded to life grants on the demise of the original grantee or former possessor, without the sanction of Government. The Governor-General in Council deems it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands the grants for which may expire; but at the same time that he is desirous of recovering the public dues from lands held under invalid tenures, he is equally solicitous that persons holding lands under grants that are declared valid should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice or extortion in the inquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants (provided the grantees, or persons in possession, register their grants as required in this Regulation) shall be tried in the Courts of Judicature, that no such grants may be resumed until the title of the grantee or present possessor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government; and further, that Government and its officers may at all times have in their possession a correct register of the lands held exempt from the payment of revenue under badshahee grants, the following rules have been enacted.

Definition of the term badshahee grant.

II. *First.* The term badshahee grant is to be construed to extend to all grants made by the supreme power for the time being, and consequently to include grants of the following descriptions: 1st, royal grants, properly so called; 2ndly, grants made by the Soubahdars of Oude; and 3rdly, grants made by the authority of the British Government.

See Secs II. and III Reg XIV. 1825.

Badshahee grants made previous to the 1st July, 1775, declared valid, provided the grantee obtained possession before that date and has since held possession.

Grants made before the 1st of July, 1775, of no validity, if possession was not obtained prior thereto, or has not been since confirmed, or if they shall have since been resumed by authority.

Second. Altumgah, jaghire, ayma, muddud maash, or other badshahee grants, for holding land exempt from the payment of revenue, made previous to the 1st of July, 1775, the date of the cession of the province of Benares to the Company, shall be deemed valid, provided the grantee actually and bonâ fide obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of Government. If it shall be proved *to the satisfaction of the court*, that the grantee did not obtain possession of the land so granted previous to the 1st July, 1775, and that it has not been since confirmed to him by the authority of the Governor-General in Council, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of Government, the grant shall not be deemed valid.

Courts to refer to the Governor-General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have resumed badshahee grants of land made before the cession.

Third. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue under a badshahee grant made previous to the 1st July, 1775, and on it being proved, *to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed*, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to resume the grant, and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor-General in

Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant, and upon receiving the determination of the Governor-General in Council the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any *Court of Dewanny Adawlut*, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent authority within the twelve years, and proceeded in it, as required by Section VIII. Regulation VII. 1795.

Claim to hold exempt from revenue under badshahee grants, lands that have paid revenue for twelve years, not to be heard.

Exception.

Fourth. But no part of the two preceding clauses is to be construed to empower the *courts* to adjudge any person, not being the original grantee, entitled to hold land paying revenue to Government exempt from the payment of revenue, under a jaghire or other grant made previous to the 1st July, 1775, where the grant may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Persons not being the original grantees, not to be entitled to hold exempt from the payment of revenue land paying revenue under a life grant made before the cession.

Fifth. Not to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a jaghire, or other badshahee life grant, made previous to the 1st of July, 1775, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the grant may expressly specify it to have been given for the life of the grantee only, or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant it shall be proved to be a life tenure only, according to the ancient usages of the country.

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to the 1st July, 1775, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Sixth. The present possessors of lands now exempt from the payment of revenue under such jaghire, or other life grants, made previous to the 1st of July, 1775, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives, and all such transfers and mortgages which have been or may be made are declared illegal and void.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them, beyond their own lives.

See Sec. III. Reg. XIV. 1825.

III. *First.* All badshahee grants for holding land exempt from the payment of revenue, which may have been made since the 1st of July, 1775, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid. But grants of land held exempt from the payment of revenue under grants made by the residents at Benares since the 1st of July, 1775, are not to be annulled by the decree of the *City or any Zillah Court*, but the *judge* is to proceed with them as directed with regard to the grants mentioned in Clause Third of this section.

All grants made or confirmed since the 1st July, 1775, excepting by the authority of Government, or its officers duly empowered, declared invalid.

Exception.

Second. The Governor-General in Council having determined, on the 11th April, 1788, that the lands assigned in the year 1781, in lieu of malikanah, to certain dispossessed zemindars, should not descend to the heirs of the present incumbents without his express orders for that purpose, *the judges and* the collector are to attend to this rule; and the latter

Case of lands granted in 1781 to certain dispossessed zemindars in lieu of malikanah.

is, accordingly, to attach such lands on the demise of the present holders, until the determination of Government respecting them be received.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grants.

Third. If doubts shall be entertained by any *court*, as to the competency of the authority of any officer to confirm any grant, the *court* is to suspend its judgment, and report the circumstances of the case to the Governor-General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise, and the court, upon receiving the determination of the Governor-General in Council, shall decide accordingly.

IV. and V. [*Same as Sections IV. and V. Regulation XXXVII.* 1793.]

VI. [*Same as Section VI. Regulation XXXVII.* 1793, *substituting* "V. 1795" *for* "VIII. 1793," *and omitting the final words* " as directed in that Regulation."]

VII. VIII. and IX. [Suits by collectors for the recovery of invalid lakheraj.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

X. Any person having a claim to hold lands paying revenue, exempt from the payment of revenue under a badshahee grant, must institute his claim against Government, who alone can be the defendant in such suits, in the Dewanny Adawlut in the jurisdiction of which such lands are situated, in the same manner [*&c. as in Section X. Regulation XXXVII.* 1793, *substituting* "XLI. 1795," *for* " XIX. 1793," *and* " Section XXXVI. Regulation VI. 1795," *for* " Section XXX. Regulation XIV. 1793," *and inserting the words* " city or" *before* " any Zillah Court."]

XI. [Courts to award costs in case of groundless prosecution.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

XII. and XIII. [*Same as Sections XII. and XIII. Regulation XXXVII.* 1793.]

XIV. [Revenue to be paid from date of first decree of resumption.]—*Rescinded by Clause Second, Section II. Regulation II.* 1819.

XV. [*Same as Section XV. Regulation XXXVII.* 1793.]

XVI. [*Same as Section XVI. Regulation XXXVII.* 1793, *substituting* " XIX. 1795" *for* " XLVIII. 1793."]

XVII. [*Same as Section XVII. Regulation XXXVII.* 1793, *omitting the words* " in each zillah" *and* " soubah."]

XVIII. [*Same as Section XVIII. Regulation XXXVII.* 1793.]

XIX. [*Same as Section XIX. Regulation XXXVII.* 1793, *stopping at* " collector of the revenue."]

Publication to be

XX. To prevent any pleas being hereafter urged of ignorance of the

See Sec. xix. Reg. VIII. 1800.

rule contained in the preceding section, the collector, upon the receipt of this Regulation, is to cause the following publication, which shall be written in the Persian language, and the Hindostanee language and Nageree character, and attested with his official seal and signature, to be fixed up in the principal cutcherry of the holders of grants of the description of those specified in this Regulation, and take a receipt from the holder of such grant, or the person intrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it.

made requiring all persons to register their grants.

"In conformity to Regulation XLII. 1795, every person being actually in possession of altumgah, jaghire, ayma, muddud maash, or other land in the province of Benares, now exempt from the payment of revenue and held under badshahee grants, whether made or confirmed by the Government" [*&c. as in Section XX. Regulation XXXVII.* 1793.]

Publication.

XXI. [*Same as Section XXI. Regulation XXXVII.* 1793.]

XXII. [*Same as Section XXII. substituting* "permanent" *for* "decennial."]

XXIII. [*Same as Section XXIII. Regulation XXXVII.* 1793.]

XXIV. Upon the expiration of the period for registering the grants, the collector is to prepare [*&c. as in Section XXIV. Regulation XXXVII.* 1793, *substituting* "XLII. 1795," *for* "XXXVII. 1793," "province of Benares" *for* "zillah of———", *and* "city of Benares" *for* "zillah."]

XXV. The second periodical register is to commence with the year 1207 of the Fussily era. [*&c. as in Section XXV. Regulation XXXVII.* 1793.]

XXVI. [*Same as Section XXVI. Regulation XXXVII.* 1793, *substituting* "city of Benares," *for* "zillah."]

Rescinded by Sec. xv. Reg. VIII. 1800.

XXVII. The counterpart registers are to be kept in the Persian language, [*and the Hindostanee language and Nageree character*].

In what language the counterpart registers are to be kept.

XXVIII. [*Same as Section XXVIII. Regulation XXXVII.* 1793, *substituting* "XLII. 1795," *for* "XXXVII. 1793," "province of Benares" *for* "zillah of———," *and* "Adawlut of the city of Benares" *for* "Adawlut of the zillah," *and omitting* "Bengal and Willaity."]

XXIX. In the event of the province of Benares being divided into two or more collectorships, and of mohauls being ordered to be separated from one collectorship and annexed to another, the collector from whose district the separation is to take place, is to transmit to the collector to whose district the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the badshahee grants in such mohauls, and also of any entries respecting them in the

Documents respecting grants to be furnished by collectors of districts from which separations may be made, in the event of the province of Benares being hereafter divided into two or more collectorships.

register of intermediate occurrences, which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the Courts of Judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the collector of the district from which the separation may be directed to be made is to transmit to the judge of the Dewanny Adawlut from the jurisdiction of which the lands may be ordered to be separated *and also to the Provincial Court of Appeal of the division*, copies of the entries in the last provincial register and register of intermediate occurrences which may relate to the grants to be separated from his district; and the collector to whose district the annexation may be made is to transmit copies of the above-mentioned entries (with which he is directed to be furnished in the preceding section) to the judge of the jurisdiction to which the lands may be annexed. Immediately on the receipt of these papers, the Court of Dewanny Adawlut, from the jurisdiction of which the separation may be made, is to transmit the papers in any causes depending before it, which in consequence of the separation may become cognizable in any other court, to such court, and to cause notification thereof to be communicated to the parties in writing.

XXXI. [*Same as Section XXXI. Regulation XXXVII.* 1793.]

XXXII and XXXIII. [*Same as Sections XXXII. and XXXIII. Regulation XXXVII.* 1793, *substituting* "city of Benares" *for* "zillah."]

XXXIV. and XXXV. [*Same as Sections XXXIV. and XXXV. Regulation XXXVII.* 1793.]

XXXVI. [*Same as Section XXXVI. Regulation XXXVII.* 1793, *omitting the words* "in the several zillahs," *and substituting* "the province" *for* "their respective zillahs."]

To whom the collectors are to send copies of each periodical register, and the quarterly entries in the register of intermediate occurrences.

See Secs. xv. and xvi. Reg. VIII. 1800.

XXXVII. The collector is to transmit to the Board of Revenue, as early as may be practicable, an attested copy of the periodical registers, both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the Dewanny Adawlut of the city in the same manner as the original register, as directed in Section XXIV. and within one month after the expiration of the third, sixth, ninth, and twelfth month of the Fussily year, an attested copy of the entries in the register of intermediate resumptions and occurrences, that may have taken place during the three preceding months. [*The collector is to transmit similar copies of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judges of the several Courts of Dewanny Adawlut in the province, and to the Provincial Court of Appeal. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers, and of the quarterly entries in the registers of intermediate resumptions and occurrences, as soon as they may receive them from the collector.*]

Rescinded by Sec. xv. Reg. VIII. 1800.

XXXVIII. [*Same as Section XXXVIII. Regulation XXXVII.* 1793.]

XXXIX. The periodical register which is to be formed in the province of Benares at the commencement of the Fussily year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or any exempted lands that may have been separated from the province, and with the addition of any such lands that may have been annexed to it, or that may have been admitted upon the register by the Governor-General in Council under Section XXI. also new grants made by the Governor-General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a badshahee grant, by a final decree of a Court of Judicature in a suit instituted under this Regulation. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XL. If it shall be proved, to the satisfaction of the judge of the Dewanny Adawlut of the city or any zillah [*&c. as in Section XL. Regulation XXXVII.* 1793.]

XLI. [*Same as Section XLI. Regulation XXXVII.* 1793.]

XLII. *First.* No part of this Regulation is to be considered to extend to lands held, or stated to be held, exempt from the payment of public revenue, under grants not being of the description of those termed badshahee or royal, under the explanation of this term contained in Clause First, Section II. The rules applicable to such grants are contained in Regulation XLI. 1795.

Regulation not to be considered to extend to grants not badshahee.

Second. Nor to any of the peshkushy mohauls specified in Section XVII. Regulation II. 1795.

Nor to mohauls termed peshkushy.

A.D. 1795. REGULATION XLIII.

Reg. XLIII. 1795.

A Regulation *for enacting into a Regulation the Rules passed on the 18th February,* 1789, *and 24th December,* 1790, *for granting Lands to discharged Native Invalid Officers, and Private Soldiers, in the Province of Benares:* Passed *by the Governor-General in Council, on the 28th August,* 1795.

I. On the 18th February, 1789, and the 24th December, 1790, certain rules were passed for granting lands to discharged native invalid officers and private soldiers, in the province of Benares. The invalids to whom grants of land have been made under these rules are dispersed in different parts of the country, receive no pay, are under no military control, and are entirely unconnected with the service: they are the tenants of the

zemindars of whom they hold the lands, and are subject to the jurisdiction of the Civil and Criminal Courts of Judicature, in the same manner as other individuals. To secure to the holders of these grants the rights and privileges which they derive under their tenures, such part of the rules above-mentioned as come within the description of the rules and orders specified in Section II. Regulation XLI. 1793, are hereby enacted into a Regulation.

Invalids allowed the portion of land herein specified, upon taking a discharge from the service.

II. Rules passed on the 18th February, 1789. *First.* The invalid native troops now at Monghyr, and those who shall be hereafter invalided, who may be desirous of receiving grants of waste land in lieu of the pay allowed to them by Government on the Boglepore establishment, upon taking a final discharge from the service shall be entitled to the same in the following proportions, according to their ranks.

Commandants [*&c. as in Clause First, Section XXXIII. Regulation XLIII.* 1793].

Lands may be granted where the invalids may point out.

Second. The lands shall be granted in such villages as each individual may point out.

Third. Should any objection occur to the resident at Benares to granting [*&c. as in Clause Fourth, Section XXXIII. Regulation XLIII.* 1793.]

Fourth. The resident at Benares is directed to make it a rule to select [*&c. as in Clause Sixth, Section XXXIII. Regulation XLIII.* 1793.]

Fifth. [*Same as Clause Seventh, Section XXIII. Regulation XLII.* 1793.]

Sunnuds for the land by whom to be granted.

Sixth. The sunnuds for the lands so granted in the zemindarry of Benares are to be made out under the seal of the rajah, with a perwannah of confirmation under the seal and signature of the resident, who is required to keep a register of all such grants, and to transmit copies thereof annually to the Governor-General in Council.

Upon the death of an invalid his lands to descend to his heirs upon the terms herein

Seventh. Upon the death of the original grantee, his lands are to be continued to his heirs at law at a fixed jumma, to be assessed by the resident with the consent of the rajah, upon an estimate of the neat annual produce, after deducting one-tenth therefrom to be annually paid by the mocurrery holder to the zemindar as malikanah, or to Government, if the estate or talooka be amauny. Such mocurrery holders shall thenceforward be considered upon the same footing as other persons in the province holding lands in a fixed rent.

Heirs of the invalids to receive the prescribed sunnuds, and to hold the lands whilst they discharge the malikanah and rent.

Eighth. The resident having fixed the rent to be paid to Government, and the amount payable to the zemindar as malikanah, or the consideration to the same amount to Government, as directed in the preceding article, shall cause mocurrery sunnuds to be drawn out and authenticated in the mode prescribed in Clause Sixth, in the name of the heirs of the deceased, who shall accordingly hold the said lands in perpetuity, as long as they shall continue to discharge the rent and the malikanah, or the consideration to the same amount to Government (according as the lands may be amauny or otherwise) with which they may be so assessed.

Ninth. [*Same as Clause Eleventh, Section XXXIII. Regulation XLIII.* 1793.)

Consequences ensuing from the non-payment of the rent or malikanah.

Tenth. Should any of the moccurrerydars aforesaid omit to discharge the amount of the Government's rent and the malikanah payable to the zemindar, or the consideration to Government (according as the lands may

be amauny or otherwise) their mocurrery leases, with the rights and privileges thereto annexed, are to be sold to the best bidder, for the liquidation of the amount of the demands against them.

Eleventh. In order that the men who may be placed on this establishment may be better enabled [*&c. as in Clause Thirteenth, Section XXXIII. Regulation XLIII.* 1793].

Twelfth. Rule passed on the 24th December, 1790. [*Same as Clause Fourteenth, Section XXXIII. Regulation XXIII.* 1793, *omitting* "18th February, 1789."]

Annual register to be forwarded by the collector.

III. The annual register directed in Clause Sixth to be kept by the resident and forwarded to the Governor-General in Council is, from the date of the abolition of the residency, to be prepared by the collector and forwarded by him to the Board of Revenue.

No lands to be granted in future under the foregoing articles.

IV. No provision in land shall be granted to invalids in future, under the rules contained in Section II. which are to be considered as applicable to such grants only as have been already made in conformity to them.

A.D. 1795. REGULATION XLIV.

Reg. XLIV. 1795.

A REGULATION *for removing certain Restrictions to the Operation of the Hindoo and Mahomedan Laws, with regard to the Inheritance of Landed Property subject to the Payment of Revenue to Government, in the Province of Benares:* PASSED *by the Governor-General in Council, on the 28th August,* 1795.

See Reg. X. 1800.

I. ON grounds similar to those stated in the preamble to Regulation XI. 1793, for removing certain restrictions to the operation of the Hindoo and Mahomedan laws with regard to the inheritance of landed property subject to the payment of revenue to Government, in the provinces of Bengal, Behar, and Orissa, the following rules have been enacted for the province of Benares.

(18 Sept. 1796.)

II. After the first day of the Fussily year 1204, if any talookdar, zemindar, or other actual proprietor of land [*&c. as in Section II. Regulation XI.* 1793].

III. If any talookdar, zemindar, or other actual proprietor of land [*&c. as in Section III. Regulation XI.* 1793].

Shares held separate, how to be assessed.

IV. It is to be understood, that if any one or more of such sharers shall apply to have the separate possession of his or their share or shares, the proportion of the public jumma charged upon the whole estate which is to be assessed upon such share or shares, is to be adjusted according to the rules prescribed in Section VII. Regulation XXVII. 1795.

This Regulation not to be in force until the beginning of the Fussily year 1204, and then not to operate retrospectively.

V. Nothing contained in this Regulation is to be construed to entitle any person to a share of an estate which may be now held entire by any individual, or that may devolve entire to any individual prior to the beginning of the Fussily year 1204, in exclusion of the other heirs of the last proprietor, under the custom in virtue of which such individual may so hold or succeed to the whole of such estate, and for the future abolition of which this Regulation is enacted; but such person or persons are to be considered bound, in the cases specified in Clause Tenth, Section XXXV. Regulation XXII. 1795, by what they had acquiesced in. (18 Sept. 1796.)

VI. [*Same as Section VI. Regulation XI.* 1793, *substituting* "Fussily year 1204" *for* "1st July, 1794."]

Reg. XLV. 1795.

A.D. 1795. REGULATION XLV.*

A REGULATION *for empowering Talookdars, Zemindars, and all other Descriptions of Landholders, and Farmers of Land, in the Province of Benares, to distrain and sell the personal Property of Under-farmers, Ryots, and dependent Zemindars and Putteedars, and (in certain specified Cases) their Sureties, for Arrears of Rent or Revenue; and for preventing Landholders and Farmers of Land in the said Province confining or inflicting corporal Punishment on their Under-farmers, Ryots, and dependent Zemindars and Putteedars, or their Sureties, to enforce Payment of such Arrears:* PASSED *by the Governor-General in Council, on the* 28*th August*, 1795.

I. THE Regulations not defining the nature and extent of the coercion which landholders and farmers of land might legally exercise over their under-farmers, ryots, and dependent zemindars and putteedars, to enforce payment of arrears of rent or revenue, many landholders and farmers, availing themselves of the sanction of former usage, had recourse to the most oppressive means for realizing arrears, and frequently employed the same severities for the purposes of extortion; whilst others, doubtful what measures they were empowered to adopt to enforce payment from defaulters, and apprehensive of subjecting themselves to prosecution for oppression, refrained from all compulsion, and were often defrauded of arrears to which they were justly entitled. These defects in the Regulations tending to screen oppression and dishonesty on the one hand, and to discourage moderation and good faith on the other, and it being as essential to the prosperity of the country and the punctual collection of the public revenue, that landholders and farmers of land should have the means of compelling payment from defaulters, without being obliged to have recourse to the courts of justice, and incurring the delay and expense necessarily attending a law-process for the recovery of every arrear, as that under-farmers, ryots, and dependent zemindars and putteedars, should be

* See note to Regulation XVII. 1793.

protected from oppression and unjust demands, the Governor-General in Council, with a view to the attainment of these important objects, has passed the following rules.

See Secs. xiii. and xiv. Reg. V. 1812.

What persons may distrain.

Whose and what property is liable to distraint and sale.

II. Talookdars, zemindars, and other actual proprietors of land, and farmers of land who hold their farms immediately of Government, are empowered to distrain, without sending notice to any court of justice or any public officer, the crops and products of the earth of every description, the grain, cattle, and all other personal property, whether found in the house or on the premises of the defaulter, or in the house or on the premises of any other person, within or without the limits of the estate or farm of the distrainer, belonging to their under-renters and ryots, and the dependent zemindars and putteedars paying revenue through them, for arrears of rent or revenue, and to cause the said property to be sold for the discharge of such arrears. The same powers are likewise vested in dependent zemindars and putteedars, distinct or common, for the recovery of arrears of rent from their under-farmers and ryots, and also in under-farmers who farm lands from talookdars, zemindars, putteedars, or other actual proprietors of land, or farmers of land, who hold their farms immediately of Government, to enable such under-farmers to enforce payment of arrears of rent or revenue from their dependent zemindars, putteedars, or under-farmers or ryots. The several descriptions of landholders and farmers of land above specified are to exercise the powers hereby vested in them under the following rules and restrictions.

See Sec. ii. Reg. VII. 1829.

What property is not liable to distraint and sale.

Distraint and sale of it illegal and void. Penalty.

III. Persons vested with the power of distraint shall not distrain or sell the lands, houses, or other real property of their under-farmers and ryots, or of the zemindars or putteedars paying revenue through them; *nor goods or advances belonging to the Company; nor the loom, thread, unwrought silk, or materials of manufacture, of any weaver or manufacturer; nor the tools of any tradesman or labourer standing towards them in the relation of under-farmer, ryot, or dependent zemindar or putteedar.* All such distraints and sales are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him; *or the distrainer shall be compelled to make good to him the value of it, if it shall be personal property and shall have been destroyed, damaged, or injured, or shall not be forthcoming;* and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained in consequence of such attachment or sale, with all costs of suit.

IV. V. and VI. [*Same as Sections IV. V. and VI. Regulation XVII.* 1793, *substituting* "zemindars or putteedars" *for* "talookdars."]

VII. [*Same as Section VII. Regulation XVII.* 1793.]

VIII. [*Same as Section VIII. Regulation XVII.* 1793, *omitting the* 1*st and* 3*rd parentheses containing the portions rescinded by Regulation XXXV.* 1795.]

IX. X. [*Same as Sections XI. and XII. Regulation XVII.* 1793.]

XI. [*Same as Section XIII. Regulation XVII.* 1793, *substituting* "zemindars, or putteedars" *for* "talookdars."]

XII. XIII. XIV. XV. [*Same as Sections XIV. XV. XVI. and XVII. Regulation XVII.* 1793.]

XVI. and XVII. [*Same as Sections XVIII. and XIX. Regulation XVII.* 1793, *substituting* "zemindar or putteedar" *for* "talookdar."]

XVIII and XIX. [*Same as Sections XX. and XXI. Regulation XVII.* 1793.]

XX. [*Same as Section V. Regulation XXXV.* 1795, *substituting* "Section XI." *for the corresponding rule* "Section XIII. Regulation XVII. 1793."]

XXI. [*Same as Section XXIII. Regulation XVII.* 1793, *inserting the words* "city or" *before* "zillah."]

XXII. and XXIII. [*Same as Sections XXIV. and XXV. Regulation XVII.* 1793.]

XXIV. [*Same as Sections VII. Regulation XXXV.* 1795, *substituting* "first purchaser" *for* "defaulting purchaser."]

XXV. [*Same as Sections XXVII. Regulation XVII.* 1793.]

XXVI. [*Same as Section XXVIII. Regulation XVII.* 1793, *substituting* "zemindar, or putteedar," *for* "talookdar," *and* "jurisdiction" *for* "zillah."]

XXVII. *First.* [*Same as Section XXIX. Regulation XVII.* 1793.]
Second. [*Same as Section VIII. Regulation XXXV.* 1795, *the part superseded by Act. I.* 1839, *being the same in effect, and the remainder identically the same.*]

XXVIII. [*Same as Section XXX. Regulation XVII.* 1793, *omitting the words* "managers of the estates of disqualified landholders and" *and* "all of whom do not come within the description of disqualified landholders," *But see Section II. Regulation VI.* 1822.]

XXIX. [*Same as Section XXXII. Regulation XVII.* 1793, *substituting* "zemindar or putteedar" *for* "talookdar," *and* "Section XIX." *for* "Section XXI."]

Rule in respect to the attachment and division of betay crops.

XXX. Nothing contained in this Regulation shall be construed to prohibit persons entitled under this Regulation to distrain from attaching the standing crops of the under-ryots who cultivate on the betay tenure, and appropriating the moiety in value or kind, or such other proportion thereof as they shall be entitled to, under the rules contained in Regulation II. 1795, leaving to such ryots who shall deem themselves aggrieved

by any act of the landholder or superior renter exercising this right, his remedy by application to the Adawlut.

XXXI. Nothing contained in this Regulation shall be construed to prohibit any persons whose property [*&c. as in Section XXXIII. Regulation XVII.* 1793, *substituting* "jurisdiction" *for* "zillah," *and* "zemindar, or putteedar," *for* "talookdar"].

XXXII. [*Same as Section XXXIV. Regulation XVII.* 1793.]

A.D. 1795. REGULATION XLVI.

Reg. XLVI. 1795.

A REGULATION *for extending to the Province of Benares, Regulation XXXIII.* 1793, *entitled, "A Regulation for re-enacting, with Modifications, the Rules passed on the* 11*th February and* 21*st October,* 1791, *for repairing the Embankments kept in Repair at the public Expense; and for encouraging the digging of Tanks or Reservoirs and Water-courses, and making Embankments:"* PASSED *by the Governor-General in Council, on the* 28*th August,* 1795.

I. THE reasons assigned in the preamble to Regulation XXXIII. 1793, for providing for the repair of the embankments which are kept in repair at the public expense, and for encouraging the digging of tanks or reservoirs and water-courses, and making embankments, in the provinces of Bengal, Behar, and Orissa, being equally applicable to the province of Benares, the following rules have been enacted.

Regulation XXXIII. 1793, extended to the province of Benares with a modification.

II. The rules contained in Regulation XXXIII. 1793, are hereby extended to the province of Benares; with this modification, that all proprietors of land applying for advances under Section VIII. shall give the same securities as are required from farmers or other persons making such applications, who are not the proprietors of the land for the benefit of which the works are intended to be undertaken.

See Sec. ii. Reg. VI. 1806.

A.D. 1795. REGULATION XLVII.

Reg. XLVII. 1795.

A REGULATION *for levying a Tax on intoxicating Liquors and Drugs, and for preventing the illicit Manufacture or Vend of them, in the Province of Benares:* PASSED *by the Governor-General in Council, on the* 28*th August,* 1795.

[Rescinded by Section II. Regulation X. 1813.]

Reg XLVIII 1795

A.D. 1795. REGULATION XLVIII.

A REGULATION *for prohibiting covenanted Civil Servants of the Company employed in the Administration of Justice, or the Collection of the public Revenue, in the Province of Benares, from lending Money to Talookdars, Zemindars, Putteedars, or other actual Proprietors of Land, or to Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for prohibiting in the said Province, Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings for carrying on Manufactures, or other Purposes, without the Sanction of the Governor-General in Council:* PASSED *by the Governor-General in Council, on the 28th August,* 1795.

I. THE reasons assigned in the preamble to Regulation XXXVIII. 1793, passed for the provinces of Bengal, Behar, and Orissa, for preventing the covenanted civil servants of the Company employed in the administration of justice or the collection of the revenue, from lending money to the landholders or farmers, or others concerned in the collection or payment of the revenue, and for restricting all Europeans from purchasing or holding lands out of the limits of Calcutta, excepting for the erection of dwelling-houses, or buildings for carrying on manufactures, or for other commercial concerns, and prohibiting them from purchasing or holding such lands even for those purposes without the sanction of the Governor-General in Council, being equally applicable to the province of Benares, the following rules have been enacted.

Covenanted servants of the Company employed in the administration of justice or collection of the revenue, prohibited lending money to proprietors or farmers of land, dependent zemindars, under farmers, or ryots, or their sureties.

II. The judges and magistrates of the City Court and the Zillah Courts, *the judges of the Provincial Court of Appeal and the Court of Circuit, and the registers to the several courts*, and their assistants, or other officers being covenanted servants of the Company, and the collector of the revenue and his assistants, are prohibited from lending money, directly or indirectly, to any proprietor or farmer of land, or dependent zemindar, or under-farmer or ryot, or their sureties; and all loans which may be made in opposition to this prohibition, after the commencement of the Fussily year 1203, are declared irrecoverable in any Court of Judicature.

Europeans now possessing, or who may hereafter purchase, rent, or occupy land without the sanction of the Governor-General in Council, liable to be dispossessed at his discretion

III.* No European, of whatever nation or description, shall purchase, rent, or occupy, directly or indirectly, any land within the province of Benares, without the sanction of the Governor-General in Council; and all persons now so holding land without having obtained such permission, either directly from Government or from any of the residents, or who may hereafter unauthorizedly purchase, rent, or occupy land, shall be liable to be dispossessed of the same at the discretion of the Governor-General in

* The provisions of Secs. iii. to vi. are superseded as regards British subjects by Act IV. 1837.

Council, nor shall they be entitled to any indemnification for buildings which they may have erected thereon, or other account.

IV. Europeans who are not prohibited under Regulation XXXIII. 1795, or otherwise, from lending money to proprietors or farmers of land, dependent zemindars, putteedars, under-farmers, [*&c. as in Section IV. Regulation XXXVIII.* 1793].

V. When a European shall be permitted by the Governor-General in Council to purchase, occupy, or rent any land in the province of Benares, it shall be measured [*&c. as in Section V. Regulation XXXVIII.* 1793].

VI. [*Same as Section VI. Regulation XXXVII.* 1793, *substituting* " the province " *for* " their respective zillah."]

A.D. 1795. REGULATION XLIX.

Reg. XLIX. 1795.

A REGULATION *for appointing the Head Cauzy of the Provinces of Bengal, Behar, and Orissa, Head Cauzy of the Province of Benares, and for extending to that Province the Rules contained in Regulation XXXIX.* 1793, *regarding the Cauzies stationed in the Cities, Towns, and other Places in the three first-mentioned Provinces:* PASSED *by the Governor-General in Council, on the* 28*th August,* 1795.

I. CAUZIES are stationed in the city of Benares, and the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and in the pergunnahs in the province of Benares, for the performance of the same duties as are assigned to the cauzies in similar situations in the provinces of Bengal, Behar, and Orissa; and the prescriptions contained in that Regulation, with the exception hereafter specified, being equally applicable to the province of Benares, the following rules have been enacted.

Head cauzy of Bengal, Behar, and Orissa, to be head cauzy of Benares.

II. *First.* The head cauzy of the provinces of Bengal, Behar, and Orissa, shall also be head cauzy of the province of Benares, and shall be appointed under the rules prescribed in Clause First, Section II. Regulation XXXIX. 1793.

Inscription for the seal of the head cauzy of the four provinces.

Second. The following inscription is to be substituted on the seal of the head cauzy, in lieu of that prescribed in Clause Second, Section II. Regulation XXXIX. 1793: " The seal of the cauzy ul cozaat of the provinces of Bengal, Behar, Orissa, and Benares." (Name of the head cauzy.)

Rules in Regulation XXXIX 1793, from Sec. iii. to Sec. xi., extending to Benares.

III. The rules contained in the several sections of Regulation XXXIX. 1793, from Section III. to Section XI. regarding the cauzies stationed in the cities, towns, and pergunnahs in the provinces of Bengal, Behar, and Orissa, are hereby extended to the cauzies stationed in the city of Benares, and in the towns of Mirzapoor, Ghazeepoor, and Juanpoor, and the several

Exception.

pergunnahs in the province of Benares; [*with this exception, that instead of Regulations XVII. and XXIV.* 1793, *they are to consider the prescriptions contained in Regulation XLV.* 1795, *and Regulation XXXIV.* 1795, *as the rules for their guidance, with regard to the sale of property distrained for arrears of rent or revenue and the payment of pensions*].

Superseded by Act I. 1839, and Sec. v. Reg XI. 1813

A.D. 1795. REGULATION L

Reg. L. 1795.

[Extension of Regulation XLIV. 1793.]

A Regulation *for prohibiting Talookdars, Zemindars, or other Proprietors of Land paying Revenue, in the Province of Benares, from fixing the Jumma of dependent Tenants (whether Zemindars or Putteedars), or granting Leases or Pottahs for a Term exceeding ten Years; and in Cases of Lands being disposed of at public Sale for the Discharge of Arrears of the public Revenue, for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependent Zemindars, Putteedars, Under-farmers, and Ryots, for the Payment of Rent or Revenue on account of the Lands so sold:* Passed *by the Governor-General in Council, on the* 28*th of August*, 1795.

I. The public demand upon the estates of the proprietors of land, with whom a settlement has been or may be concluded under the original Regulations for the quartennial and decennial settlements, having been declared fixed for ever, it is to be apprehended that many proprietors, either from improvidence, ignorance, or with a view to raise money, or from other causes or motives, may be induced to dispose of dependent zemindarries or other tenancies, to be held at a reduced jumma, or fix the jumma of such dependent tenancies of this description as now exist in their respective estates at an under rate, or let lands in farm, or grant pottahs for the cultivation of land at a reduced rent, for a long term or in perpetuity. Such engagements, if held valid, would leave it in the power of weak, improvident, or ill-disposed proprietors, to render their property of little or no value to their heirs, promote vice and injustice, occasion a permanent diminution of the resources of Government arising from the lands, in the event of the rent or revenue reserved by such proprietors being insufficient for the discharge of the amount of the public demand upon their estates, be an abuse of the great and lasting benefit which has been conferred upon the landholders by the possession of their lands being secured to them in perpetuity at a fixed assessment, and moreover, be repugnant to the ancient and established usages of the country, according to which the dues of Government from the lands (which consist of a certain proportion of the annual produce of every begah of land demandable, according to the local custom, in money or kind, unless Government has transferred its right to such proportion to individuals for a term or in per-

petuity, or fixed the public demand upon the whole estate of a proprietor of land, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, so long as he continues to discharge the latter), are unalienable without its express sanction. It is, at the same time, essential that talookdars and proprietors of land should have a discretionary power to fix the revenue payable from their dependent tenancies, and to grant leases or fix the rents of their lands, for a term sufficient to induce their dependent zemindars, under-farmers, and ryots, to extend and improve the cultivation of their lands, and that such engagements should be held inviolable in all cases, excepting where they may interfere with or affect in any shape the primary and indefeasible rights of Government. Upon the above ground, and as the proprietors of land previous to the quartennial and decennial settlement being declared perpetual were not entitled to enter into any engagements with their dependent zemindars, putteedars, under-farmers, or ryots, for a period extending beyond the term of their own engagements with the public, the Governor-General in Council has enacted as follows.

II. [No leases or other engagements to be made for a term exceeding ten years.]—*Rescinded by Section II. Regulation V.* 1812.

III. IV. [Existing engagements not to be affected by division or transfer of the estate.]—*Rescinded by Section III. Regulation XVIII.* 1812.

Superseded by Secs xxvi. and xxvii Act I. 1845

When lands are sold to make good arrears of public revenue, all engagements subsisting between the proprietors and their dependent talookdars, farmers, and ryots, on account of such lands, to be null and void.

Exception to the rule.

V. *Whenever the whole or a portion of the lands of any talookdar, zemindar, or other actual proprietor of land, shall be disposed of at public sale for the discharge of arrears of the public assessment, all engagements which such proprietor shall have contracted with dependent tenants whose tenancies may be situated in the lands sold, as also all leases to under-farmers, and pottahs to ryots for the cultivation of the whole or of any part of such lands (with the exception of the engagements, pottahs, and leases, specified in Section VII.) shall stand cancelled from the day of sale, and the purchaser or purchasers of the lands shall be at liberty to collect from such dependent tenants, and from the ryots or cultivators of the lands let in farm and the lands not farmed, whatever the former proprietor would have been entitled to demand, according to the established usages and rates of the pergunnah or district in which such lands may be situated, had the engagements so cancelled never existed.*

See Sec. xiv. Reg I. 1801, and Reg. VIII. 1819.

This Regulation not to prohibit proprietors from disposing of dependent tenancies.

VI. Nothing contained in this Regulation shall be construed to prohibit any talookdar, zemindar, or other actual proprietor of land, selling, giving, or otherwise (as far as he may be legally competent) disposing of any part of his lands as a dependent tenancy, whether as a zemindarry or putteedarry.

See Sec. ii. Reg V 1812, Sec ii Reg. XVIII 1812, and Cl. 5, Sec. xxvi Act I. 1845.

Nor to prohibit grants or leases for any term for the purposes herein specified, except to *British subjects and* Europeans

VII. Nor to prohibit actual proprietors of land granting, without the sanction of Government or its officers, to any person not being *a British subject or** a European, a lease or pottah for ground, for any term of years, or in perpetuity, for the erection of dwelling-houses, or buildings for carrying on manufactures, or other purposes, and for offices for such houses or buildings, or for gardens.

* Superseded by Act IV. 1837.

Reg. LI. 1795.

A.D. 1795. REGULATION LI.

A REGULATION *respecting ryotty Pottahs in the Province of Benares:* PASSED *by the Governor-General in Council, on the 28th August,* 1795.

I. To prevent undue demands being made on the ryots or cultivators of the soil, by the aumils, zemindars, farmers, or others, entitled to levy from them the hakimee or Government's proportion of the produce, aumeens were deputed by the resident at Benares, on the 12th February, 1795, to cause pottahs to be granted to the ryots agreeably to certain forms, by which their payments were to be regulated. For reasons hereafter stated, these aumeens were recalled before they had completed the issue of the prescribed pottahs. The instructions to these officers, with alterations and additions, calculated for the more effectual accomplishment of the object of those instructions, are now enacted into a Regulation, and are to be considered as the rules respecting ryotty pottahs throughout the districts in the province of Benares, to which the settlement concluded by the resident extended.

Measures adopted to cause bilmokta pottahs to be granted to ryots.

II. *First.* Orders were repeatedly issued to the aumils and canongoes to cause the zemindars and farmers to issue to their ryots bilmokta pottahs (i. e. pottahs with the maal and abwab consolidated), for the nukdy or money part of the rent payable to them, and to specify therein where the rent is estimated according to the produce, the mode of the betay or division of the crop, and also the proportions in which the division was to be made (viz. whether in equal proportions, or in the proportions of seven to nine, or of five to two, or of two to one, or according to whatever local zebetaneh or custom might be prevalent in each place); and the aumils were also repeatedly enjoined to issue similar pottahs, in those parts of the pergunnahs which continued amauny. There being ground to believe, however, that notwithstanding these orders the prescribed pottahs had not been duly issued, aumeens were deputed, an the 12th of February, 1795, to cause them to be granted throughout all that part of the four sircars to which the general settlement had extended. The aumeens thus deputed were accordingly furnished with instructions to cause the talookdars, zemindars and farmers, in the mushukhusy mouzahs or villages for which a settlement had been concluded, and the aumils in the villages which remained amauny, to grant the prescribed pottahs to the ryots and cultivators, in conformity to a draft prepared for the purpose; the pottahs to be granted to every ryot and cultivator in the mushukhusy villages to specify with precision the rates of payment according to the two last years as far as regarded the nukdy or money part thereof, and also the modes and proportion of the betay where the payments of the ryots were estimated in kind or upon the produce; and in the event of the rates to be thus inserted in the pottahs being anywhere disputed between the aumils or malguzars on the one part, and the ryots on the other, such disputed rates were directed to be regulated and adjusted on reference to the acounts of the putwarries, and with the assistance of the canongoes; so that consideration being had to the present condition of the ground and the caste of

the cultivator, the bilmokta rye or rate, inclusive of maal and abwab on account of such ground, might be fixed at the same rate as that at which a cultivator of the same caste would have been assessed for it in the Fussily year 1187.

Pottahs for mootry tenures.

Second. Under these instructions, where the custom of mootry (or the payment of one general rate for different kinds of ground and of crop) was found to prevail, the aumeens were directed to continue it, and even to endeavour to extend it, wherever the parties concerned might voluntarily agree to its adoption.

Nukdy or money-rent pottahs for tenures not mootry.

Third. In pottahs issued for a money rent, with the exception of those granted for mootry tenures, the number of begahs, the description of begah (viz. whether the begah computed by the rod of three deras ilahee, the begah of the measure prevalent in the pergunnah, or the dherawat, or begah ascertained by estimate), and the bilmokta rye or consolidated rate of assessment on each of such begahs, were directed to be specified, so as to preclude the necessity of superadding to such rate the kesraat, or difference of rate proportionate to the variation in the extent of the several descriptions of begahs. For this purpose it was ordered, that the malguzars and ryots, with the assistance of the opinions of the canongoes and the approbation of the aumeens, should fix at once the bilmokta rye, or consolidated rate, in one sum, in proportion to the extent of the begah, leaving it to the parties to determine on which of these three descriptions of begahs the calculation of the rye should be made, instead of confining them to one description of begah, as had been prescribed by the rule contained in Section IV. Regulation II. 1795.

Mode of obviating the addition of any kesraat to the consolidated rate to be inserted in the ryotty pottahs in general.

In what instances such pottahs might be granted to the putteedars.

Fourth. In the event of any of the putteedars being desirous of obtaining pottahs for the land cultivated by them, the aumeens were instructed to cause the pottahdars, or persons holding pottahs of Government, to grant pottahs accordingly, in conformity to the principles above prescribed. But if such putteedars should not apply for pottahs, the aumeens were informed that they were not to cause pottahs to be granted to them, but were to leave them to continue to pay as formerly, i. e. subordinately to, and in conjunction with, their principals.

How these pottahs were to be granted and attested.

Fifth. In the mushukhusy lands, these pottahs were directed to be issued with the concurrence of the aumeen and under the signatures of the grantors (i.e. the pottahdars of Government), and to be attested also by the canongoes. In the villages which were continued amauny, it was directed that the said pottahs should be issued by the aumils, under their signature and the attestation of the canongoes, and that they should also be countersigned by the aumeens; as, for the future, the aumils neither had, nor were to possess any authority to augment or diminish the rental of Government, their duties being limited to the realizing of the fixed revenue, the preservation of the peace throughout their respective limits and the execution of such orders as might occasionally be addressed to them.

In the mushukhusy and in the amauny lands.

In reference to the duties of the aumils under the settlement.

Rules for adopting and distinguishing in the pottahs the different denominations of culture and of begahs.

Sixth. The zeyl, or detailed particulars, annexed to the form of pottah, with which the aumeens were furnished, contained an enumeration of the different modes of ryotty payments, whether of mootry, nukdy, herkowla, or betay, and of purtee, keel, and jungle, &c., one or other of which would necessarily be found applicable to the land and circumstances of every cultivator; and it was pointed out to the aumeens, that the pottahs of those

ryots only whose cultivation was carried on agreeably to the practice termed mootry, and no other, were to specify the amount of the rent annexed to their pottahs under that single head only; whilst, in instances in which ryots cultivated not only on mootry but also on nukdy and betay agreements, this form of pottah also prescribed how the particulars of the zeyl were, under such circumstances, to be subjoined, at the same time that it comprehended under the several heads of cultivation, a specification of the denomination of begah, in order that as all the three descriptions of begahs particularized in Clause Third were more or less in use in the province, it might be left to the option of the malguzars, and ryots to adopt in their engagements whichever of these three standards they might prefer, the aumeens being required only to see that the description of begah agreed on should in every instance be specified.

Seventh. The following is a translate of the general form of pottah with which the aumeens were furnished:

General form of pottah.

"A pottah of engagement and stipulation in the name of ———, according to the zeyl, without abwab or serf. The fota or rent for the entire year of the cultivation shall be taken bilmokta, or according to one rate; and exclusive of that, neither a daam or dhirm shall be taken.

"ZEYL, or annexed specification of RENT.

"*Nukdy or money rent.*

"1*st.* Mootry 12 begahs (either of 3 dera ilahee, or pergunnah begahs, or dherawat or estimated begahs), at 3 rupees 2 annas per begah, Rs. 37 8 0.

"2*nd.* Kwyraur, &c. (being for the more valuable articles of cultivation) 13 begahs (whether of 3 dera ilahee, or pergunnah measurement, or dherawat) viz.

Sugar-cane 10 begahs, at 5 rupees 1 anna per begah.....	50	10	0
Tobacco 2 begahs, at 6 rupees per begah	12	0	0
Moolee or vegetables 1 begah, at 2 rupees 1 anna per begah...	2	1	0
	64	11	0

And where, from the change in the cultivation, a new pottah shall become necessary, it shall be granted according to the rates of the two last years, with the privity of the canongoes, according to the shirabundy, or established rates of the pergunnah, and I (the zemindar or farmer) shall certainly not object to give a pottah.

"3*rd.* Herkowla, or for common nukdy cultivation, 12 begahs (either the 3 dera ilahee, or of pergunnah measurement, or of dherawat), at different rates.

1st. 2 begahs at 1 8	3	0	0
2nd. 3 begahs at 1 12	5	4	0
3rd. 3 begahs at 1 4	3	12	0
4th. 2 begahs at 1 0	2	0	0
5th. 1 begah at 1 2	1	2	0
6th. 1 begah at 0 12	0	12	0
	15	14	0

"*Bhawullee or betay, i. e. where the rent is in proportion to the crop.*

"The bega to be of 3 dera ilahee measurement, or pergunnah, or dherawat measurement, and the rent to be assessed by kunkoot or appraisement, either at half-and-half, or 9 to 7, or 5 to 2, or 2 to 1, according to the local usage, and the money assessment thereon to be according to the current market price, as fixed for each harvest by Government.

———

"Purtee, and keel, and jungle land, according to the good-will of the parties, either on a nukdy or betay engagement."

III. *First.* On the departure of these aumeens, the strongest assurances were published to all the zemindars and farmers, that the object of their deputation was solely to ensure from them that justice to their ryots which Government had bound itself to observe to them, by concluding with them a permanent settlement, the conditions of which would on no account be infringed. A considerable degree of jealousy, however, was manifested by the zemindars and farmers during the progress of the aumeens, several of whom represented the difficulties which they experienced in the execution of their instructions, both from the above and other causes. These difficulties are stated in the following clauses, with a view to future eventual arrangements.

Precaution taken on the departure of the aumeens to apprise the landholders of the object of their deputation, and points ascertained during their progress.

Second. The aumeen in the tuppah of Ophroude, in the pergunnah of Chourassy, represented that several places in that tuppah were without putwarries; and as similar complaints were received from other parts of the district, the aumeens were, in reply, directed to cause the proprietors and farmers to appoint putwarries wherever they were wanted; and, in the mean time, to oblige the gomastahs of the said proprietors or farmers, or the officers entertained for keeping such written or other village accounts as are kept, to produce them to the Courts of Judicature or to the collector, in the instances in which either are empowered by the Regulations to require them.

Rule in case of no putwarries being kept in an estate or farm.

Third. Several ryots in the pergunnah of Chownsa and other parts, who had been used to divide the grain with the zemindar or farmer in the mode called agore, according to the produce, would not take pottahs specifying either any rent per begah, or even the number of begahs which they cultivated; circumstances that are adverted to, and in some measure provided for, in Section XXI. Regulation II. 1795.

Refusal of certain descriptions of ryots to take pottahs.

Fourth. The aumeen in the tuppah of Kone, in the pergunnah of Chourassy, represented that sundry zemindars had mortgaged a part of their lands to other zemindars, and had, in consideration thereof, given them pottahs at lower rates than the established ones, so as merely to prove equal to the payment of Government's jumma, whilst the mortgagees caused the grounds in question to be cultivated by other ryots, from whom they took the usual rate of rent. The aumeens desired instructions whether they should cause pottahs to be given to these mortgagees, according to those which they held from the zemindars, or whether the pottahs should be issued at such rates as the mortgagees exacted from the ryots. In reply to this application the aumeens were directed to cause pottahs of the last-mentioned description to be issued to the ryots, not however by the proprietors but by the mortgagees; and they were further informed that this rule was to be observed in all similar cases.

How pottahs are to be issued from tenants on mortgage tenure to the ryots.

Fifth. It appearing by a representation from the aumeen at Mureeahoo, that the zemindars and farmers concealed the revenue lands in their occupancy, by pretending to have assigned them, in larger proportions than was ever usual, to the putwarries, for their maintenance or otherwise; the aumeen was instructed not to admit of this abuse, but to cause pottahs to be issued for all grounds over and above the usual quantity granted to the putwarries for their maintenance in their official situations.

Mode of zemindars and farmers attempting to conceal the funds in their estates by pretended exorbitant grants to the putwarries.

Sixth. The aumeen in the pergunnah of Baleeah represented, that

Difficulty in respect

to betay pottahs from the custom of superadding abwab to be proportionably levied on the valuation of the crop.

although his instructions required that the rate of rent should be fixed bilmokta, or in one sum, there were circumstances which rendered the observance of this rule in some instances impracticable; such as various abwabs proportionally added in the betay ryotty tenure to the money result of the jumma or valuation of the crop, according to the market prices of grain; these abwabs being often at the rate of one anna or of two annas per rupee on the valuation of the crop, on account of batta, and perhaps of three annas for the deh-kherch per begah; whilst, in several other villages, these articles of batta and kherch were levied uniformly at a certain rate per rupee on the amount of the valuation of the crop, as aforesaid. That it was therefore evident that these money rates could not be taken into account, so as to admit of their amount being ascertained in a betay pottah, farther than by fixing their proportional rates in the rupee on the amount of the valuation of the crop, or on the begah of the cultivation, as the local custom might in either case require. This aumeen was accordingly instructed to confine himself to the insertion of these proportionate rates of abwabs.

Respecting the small begah in the pergunnah of Kureendeh.

Seventh. It appeared that in sundry villages in the pergunnah of Kureendeh it had been and continued the custom amongst the malguzars and assamees (i. e. the zemindars or farmers and the ryots) to carry on their cultivation and keep their accounts according to the practice termed by them cutcha dherawat gortaur, that is, where the begahs are measured by steps, of which one begah is equal only to eight pukhta biswas, and two and half of cutcha begahs to one pukhta begah. The aumeen in that pergunnah having hereon reported, that the ryots in such places could not be made, without great difficulty, to comprehend the advantage of calculating by the pukhta instead of the cutcha begah, directions were given that their own customs should be continued, on condition that the description of the begah, and the mode of measurement, should be clearly specified in the pottahs to be granted in such places.

Preference assigned to the serberakars above the zemindars in Kureendeh, in respect to signing the ryot's pottahs.

Eighth. In the said pergunnah of Kureendeh it was on the same day ordered, in reply to a query from the aumeen, that where the serberakars or managers (mentioned in Section XVII. Regulation II. 1795) were on terms of good understanding with the zemindars, they might, if they pleased, affix their signatures to the pottahs to be granted to the ryots, but that wherever it became a question which of them should have the preference, it must be allowed to the serberakar, as long as the latter remained responsible for the revenue.

Mode of raising the public revenue of the village by the inhabitants joining in an assessment on their crops, so as to prove equivalent to the demand of Government.

Ninth. The same aumeen having reported, that in Pehaurpoor, and some other villages in Kureendeh, he had issued the pottahs in the terms of his instructions, although in fact it had been, and still was customary for the zemindars, putteedars, and other chupperbund assamees or ryots, to meet together, and lay on such a money-assessment on the Government's half of the grain as might make up the public revenue; it was thereupon ordered, that those who preferred this mode might adhere to it, and even have this condition inserted in their pottahs, without the stipulation that such assessment should be founded on the market price, as is the rule in general for all other places.

Further motives for the refusal to accept of pottahs.

Tenth. The aumeen in the pergunnah of Mohammedabad reported that certain persons in that district, claiming to be the descendants of the ancient zemindars of villages now rented to farmers, refused to receive

pottahs for the ground which they cultivated from the latter, alleging that they should thereby suffer degradation.

Government's order to recall the pottah aumeens.

IV. The deputation of the aumeens and their proceedings having been reported to the Governor-General in Council, he observed in his reply of the 26th June, 1795, that difficulties similar to those stated by the aumeens in Benares had been experienced in enforcing the Regulations regarding pottahs in the other three provinces. That, in many places, the ryots had omitted to take out pottahs, or objected to receive those tendered to them agreeably to the Regulations; and that, owing to the variation in the rates in the different pergunnahs and districts and other local circumstances, disputes had been occasioned, where both the proprietor and the cultivator of the lands were before satisfied with the rates of assessment that had been mutually agreed upon between them. That the rules regarding pottahs contained in Regulation IV. 1794, for the provinces of Bengal, Behar, and Orissa, had in consequence been passed, under which, if any dispute arose between a proprietor or a farmer of land and a ryot, regarding the rates of pottahs, the latter, by application to the Court of Judicature, could always obtain a pottah at the ancient and established rates of the districts, and that where no such dispute subsisted, the interference of Government was of course unnecessary. That, from these considerations, and as the variations in the rates in the different districts, and in the quality of the lands in Benares, might render it extremely difficult for the aumeens to fix the rates and the terms of the pottahs to the satisfaction of both parties, and as there might be considerable danger of their often favouring one or other of them, the Governor-General in Council directed the aumeens to be recalled, and ordered that rules similar to those contained in Regulation IV. 1794, should be adopted in Benares, it being presumed that the operation of them would gradually lead to the defining and fixing the rates to be paid for land in the different districts and villages where any dispute might subsist respecting them, without incurring the inconveniences liable to arise from attempting to effect this object at once by the deputation of aumeens.

Recall of the pottah aumeens, and remark as to the degree of validity, or otherwise, of the pottahs issued under their instructions.

V. In pursuance of the directions in the preceding section, the pottah aumeens were recalled on the 8th of July, 1795; and with respect to the progress which they made in granting pottahs, wherever it shall appear that they have caused pottahs to be granted in deviation from the letter and spirit of the instructions under which they acted, such pottahs are to be deemed invalid, and are to be so adjudged in any court of justice; whilst, on the other hand, the operation of those in which the parties have acquiesced are to be admitted. This last-mentioned rule can be productive of no injury to either party, as all the pottahs, with the exception of those for the mootry tenures, are liable to annual renewal, in consequence of the alteration that unavoidably takes place in the annual cultivation of the ryots.

Further period allowed for the distribution of pottahs.

VI. On the recall of the aumeens, they were directed to make it known that it was expected and required of the talookdars, zemindars, and farmers, that they should complete the issuing of the pottahs to their ryots in the form and manner required in Section II. The proprietors and

farmers of land are accordingly hereby allowed until the expiration of the Fussily year, 1204, for granting these pottahs; and after that period no engagements for rent (exclusive of the exceptions in the cases specified in Clauses Third, Ninth, and Tenth, Section III. the usages detailed in which are to be admitted), contrary to those ordered in that section, or such other as the collector, with the sanction of the Governor-General in Council, may prescribe, shall be held valid; and the parties prosecuting under such informal engagements shall be nonsuited with costs. (Sept. 1797.)

Rules for cases in which ryots omit or refuse to take out the prescribed pottahs.

VII.* To provide against the ryots refusing or omitting to take out or receive pottahs, although the persons from whom they are entitled to demand them be ready to grant them, in the form and on the terms that now are, or may be hereafter prescribed by this or any future Regulation, it is declared, that, if a proprietor or farmer of land shall fix up in the principal cutcherries in his estate or farm, a notification in writing, under his seal and signature, specifying that pottahs, according to the form prescribed in Clause Seventh, Section II. or such other form as the collector, with the sanction of the Governor-General in Council, shall have approved and at the established rates, will be immediately granted to all ryots who may apply for them, and stating where, and when, and by whom the pottahs will be delivered, the notification shall be considered as a legal tender of a pottah, and the proprietor of land, or the farmer, shall be deemed to have complied with the order; and the persons so tendering pottahs shall be entitled to recover the rents due to them from such ryots as fully and effectually, to all intents and purposes, as if there existed written engagements between the parties.

All new forms of pottahs to be registered in the City or Zillah Courts, and copies to be deposited in each of the principal cutcherries.

VIII.* The approbation of the collector in respect to the pottahs is to be considered to extend to the form only; as far as regards which he is, under the orders of Government, authorized either to adhere to that contained in Clause Seventh, Section II. or to adopt such other forms as the local circumstances of the district may in any part thereof render more expedient. But in all cases of deviation from the form aforesaid, the collector is to signify his approbation of the new form of pottah introduced, by superscribing it with his name and official appellation; and thereupon he is to register a copy of such form or forms in the Dewanny Adawlut of the city or zillah within the jurisdiction of which such pottahs are to be issued, and to cause a copy thereof to be deposited in each of the principal cutcherries of the estate, or farm, or talooka, in which such pottahs are to be granted.

Rules for determining the disputes regarding the rates of pottahs to be granted to the ryots.

IX.* If a dispute shall arise between the ryots and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs (whether the rent be payable in money or kind), it shall be determined in the Dewanny Adawlut of the city or zillah in the jurisdiction of which the lands may be situated, according to the rules established in the pergunnah, or tuppeh, or talooka, for lands of the same description and

* Sections vii. to x. are adaptations to Benares, of Secs. v. to vii. Reg. IV. 1794; the original rules have been modified, and partly rescinded, by Sec. iii. Reg. V. 1812, but the rules in this Regulation have not been specifically altered.

quality, and for the same caste of cultivators, as those respecting which the dispute may arise.

Rule applied to the renewal of pottahs that may expire or become cancelled.

X. The rules in the preceding section are to be considered applicable not only to the pottahs which the ryots are entitled to demand in the first instance, but also to the renewal of pottahs which may expire or become cancelled; and it is declared that no proprietor or farmer of land, nor any other person, shall require ryots whose pottahs may expire or become cancelled, to take out new pottahs at higher rates than the established rates of the pergunnah for lands of the same quality and description; due consideration being had, as far as may be required by the custom of the district, to the alteration of the species of culture and the caste of the cultivator. Under this rule, khodkasht or chupperbund ryots will be entitled to have their pottahs renewed at the established rates, upon making application for that purpose to the person by whom the pottahs are to be granted, as are also paykasht ryots, provided the proprietor or farmer chooses to permit them to continue to cultivate the land, which they have the option to do or not, as they may think proper, on the expiration of all paykasht leases; whereas khodkasht ryots cannot be dispossessed as long as they continue to pay the stipulated rent.

Distinction as to the permanency of tenure between the khodkasht and paykasht ryots.

A.D. 1795. REGULATION LII.

Reg. LII. 1795.

A Regulation *for licensing the Importation of Salt into the Port of Calcutta, on Ships built and fitted out within the Provinces of Bengal or Behar, or that Part of Orissa which is under the Dominion of the Company, and being the Property of British Subjects, or of Natives residing within the said Provinces and subject to the Company's Government:* Passed *by the Governor-General in Council, on the* 28*th August*, 1795.

[Rescinded by Section II. Regulation X. 1819.]

A.D. 1795. REGULATION LIII.

Reg. LIII. 1795.

A Regulation *for putting a Stop to the illicit Trade in Opium carried on in the Province of Bengal, by means of the Cloths and earthen Vessels termed Cappah and Dogah; and for preventing the Poppy being cultivated in the said Province without the Knowledge of the Contractor:* Passed *by the Governor-General in Council, on the* 28*th August*, 1795.

[Superseded by Regulations VI. 1799, and XIII. 1816.]

Reg. LIV. 1795.

A.D. 1795. REGULATION LIV.

A REGULATION *for extending to the Province of Benares the Rules contained in certain Sections of Regulations VIII.* 1794, *and XXXVI.* 1795, *with Modifications:* PASSED *by the Governor-General in Council, on the* 1*st September*, 1795.

[This Regulation has only one enacting section, no part of which now remains in force. Clauses First, Second, and Third, relating to the judicial functions of zillah registers, are superseded by the abolition of the office, and Clause Fourth is extinct.—See note to Section IV. Regulation XXXVI. 1793.]

Reg. LV. 1795.

A.D. 1795. REGULATION LV.

A REGULATION *for prohibiting the Courts of Civil Judicature from requiring Security from Guardians of disqualified Landholders when Parties in Suits with their Wards, under Section XXXII. Regulation X.* 1793: PASSED *by the Governor-General in Council, on the* 1*st September*, 1795.

I. DOUBTS having arisen whether guardians sued jointly with their wards, under Clause First, Section XXXII. Regulation X. 1793, are not liable, under the Regulations, to give the same securities as are required from defendants in general; and it not having been intended by the rule contained in the above-mentioned clause that guardians should incur any personal responsibility on account of such suits, they being entrusted only with the care of the person, maintenance, and (if a minor) the education of the ward, and the estate of the ward being answerable for all claims upon it, the Governor-General in Council has been pleased to enact the following rule, which is to be considered in force from the date of its receipt in the several courts respectively.

Guardians, when parties in civil suits with their wards, exempted from giving securities.

II. In cases in which a guardian may be a party jointly with his ward, under Clause First, Section XXXII. Regulation X. 1793, in any civil suit, the securities required by the Regulations to be taken from parties in suits shall not be demanded from the guardian.

BENGAL SECRETARIAT LIBRARY.

A.D. 1795. REGULATION LVI.

Reg. LVI. 1795.

A REGULATION *for allowing the Heirs of Invalids, in the Provinces of Bengal, Behar, and Orissa, to hold their Land rent-free to the Expiration of the tenth Year from the Date of the original Grantee's being put in Possession, in case of his dying within ten Years from such Date; and for providing for the Absence of Invalids from their Tannahs in the said Provinces at the Time of Inspection, in consequence of Permission, or from Sickness, or other unavoidable Cause:* PASSED *by the Governor-General in Council, on the* 1*st September*, 1795.

[Rescinded by Section II. Regulation I. 1804.]

A.D. 1795. REGULATION LVII.

Reg. LVII. 1795.

A REGULATION *for enacting into a Regulation certain Orders issued by the Governor-General in Council, for the Abolition of the Collection heretofore made on Grain imported into Calcutta, under the denomination of Kyaulee Dustoor, and for the Appropriation of the Proceeds of confiscated Goods and Merchandise at the Manjee Custom-house; and for levying the Calcutta Export Duties on the Calcutta Price of the Goods instead of the Aurung Price or Prime Cost, as prescribed by Section XVII. Regulation XXXIX.* 1795: PASSED *by the Governor-General in Council, on the* 28*th September*, 1795.

[Rescinded by Section II. Regulation IX. 1810.]

Reg. LVIII. 1795.

A.D. 1795. REGULATION LVIII.

A REGULATION *for granting to the Collectors a Commission on the Jumma of Lands which may be subjected to the Payment of Revenue under Section XXVI. Regulation XIX. and Section XXI. Regulation XXXVII.* 1793, *and Section XXVI. Regulation XLI. and Section XXI. Regulation XLII.* 1795; *and for determining on what Amount such Commission, and the Commission granted to Collectors in cases of Lands being adjudged liable to the Payment of Revenue in consequence of Prosecutions, shall be calculated; and for requiring the Zillah and City Courts in the four Provinces to transmit to the Collectors and the Bodrd of Revenue Copies of certain Decrees in Suits between Individuals respecting the Right to Land exempted from the Payment of Revenue; and for defining of what Decrees regarding malguzarry Land the Zillah and City Courts are to furnish the Collectors and the Board of Revenue with Copies, under Section IX. Regulation IV.* 1793, *and Section IV. Regulation VIII.* 1795: PASSED *by the Governor-General in Council, on the 28th September,* 1795.

I. IT being deemed equitable that the collectors should be permitted to draw the same commission on the jumma of lands subjected to the payment of revenue in consequence of their not being registered, agreeably to Regulations XIX. and XXXVII. 1793, and XLI. and XLII. 1795, as they are allowed on the jumma of lands adjudged liable to the payment of revenue in consequence of prosecutions on the part of Government, and to determine on what amount such commission may be granted, in the event of a settlement of the resumed lands not being immediately concluded in perpetuity; and to provide for the regular transmission to the collectors and to the Board of Revenue of copies of all decrees passed in suits between individuals, affecting the right in, or possession of, landed property exempted from the payment of revenue to Government, that the alterations in such right or possession made by the said decrees may be duly entered in the quinquennial registers; and doubts having arisen as to the description of decrees regarding or concerning land subject to the payment of revenue, of which copies are to be transmitted by the judges of the Zillah and City Courts to the collectors and the Board of Revenue; the Governor-General in Council has enacted the following rules.

Collectors to receive a commission of twenty-five per cent. on lands resumed under Sec. xxvi. Reg. XIX. or Sec. xxi. Reg. XXXVII. 1793, or Sec. xxvi Reg. XLI. or Sec xxi. Reg. XLII. 1795.

What collectors are to be considered entitled to the commission.

II. The collectors shall receive a commission of twenty-five per cent. on the amount of the annual jumma, which may be assessed in perpetuity, on lands finally resumed and declared liable to be assessed with public revenue, under Section XXVI. Regulation XIX. 1793, or Section XXI. Regulation XXXVII. 1793, or Section XXVI. Regulation XLI. or Section XXI. Regulation XLII. 1795. The commission shall be paid to the collector who shall discover and report to the Board of Revenue the omission of the registry of the lands; unless the Governor-General in Council should deem it equitable, in any particular case, to give the whole,

Superseded by the rescission of the sections referred to by Cl. 2, Sec. ii. Reg. II. 1819.

or a part of the commission to any other collector. [*If circumstances should prevent the forming of a permanent settlement of such lands, or of lands on which the collectors may be entitled to a commission under Section XIII. Regulation XIX. and Section VIII. Regulation XXXVII.* 1793, *and Section XIII. Regulation XLI. and Section VIII. Regulation XLII.* 1795, *it shall be at the option of the Governor-General in Council to grant a commission on whatever amount he may deem an equitable jumma for such lands.*]

How the commission of the collector shall be estimated, in case of exempted lands becoming subject to the payment of revenue and a permanent settlement not being immediately made.

See Sec. xi. Reg. III. 1828.

III. The judges of the Zillah and City Courts in the four provinces shall furnish the collectors of the districts in which the land may be situated, and the Board of Revenue, with a copy of every decree in suits between individuals which they may pass, or which may be sent to them by superior courts to enforce, by which the right in, or possession of, any lands held exempt from the payment of public revenue, under whatever description of grant the same may be so held, may be affected, in order that the collectors may be enabled to make the necessary entries of the alterations in such right or possession to be inserted in the quinquennial registers of lands held exempt from the payment of revenue, directed to be kept by Regulations XIX. and XXXVII. 1793, and XLI. and XLII. 1795. The copies of such decrees shall be transmitted by the judge within twenty days after the same may be passed or received by him.

Zillah and City Courts to furnish copies of certain decrees, by which the right to, or the property in any lands exempted from the payment of public revenue may be altered.

IV. The decrees regarding malguzarry land, which the judges of the Zillah and City Courts in the four provinces are directed by Section IX. Regulation IV. 1793, and Section IV. Regulation VIII. 1795, to transmit to the collector of the zillah and to the Board of Revenue, are hereby declared to be such decrees only as affect the proprietary right in, or possession of the land.

Of what decrees copies are to be transmitted to the collectors and the Board of Revenue under Sec. ix. Reg. IV. 1793, and Sec. iv. Reg. VIII. 1795.

A.D. 1795. REGULATION LIX.

Reg. LIX. 1795.

A Regulation *for further postponing to the* 10*th April,* 1796, *the Operation of such Parts of Sections XVIII. XIX. XX. and XXIII. Regulation XXXV.* 1793, *as regard the Silver Coin:* Passed *by the Governor-General in Council, on the* 29*th September,* 1795.

[Extinct.]

Reg LX. 1795.

A.D. 1795. REGULATION LX.

A REGULATION *for extending to the Province of Benares, Regulation XXXVIII.* 1795, *entitled "A Regulation for prescribing the Payment of certain Fees on the Institution and Trial of Suits in the Courts of Civil Judicature, and on Petitions presented to those Courts, and on the Institution of Suits before the Munsiffs, under Clause Sixth, Section V. Regulation XL.* 1793:" PASSED *by the Governor-General in Council, on the* 13*th November*, 1795.

[Superseded with Regulation XXXVIII. 1795, by the substitution of stamps for the fees prescribed. See Regulation X. 1829, Schedule B.]

Reg. LXI. 1795.

A.D. 1795. REGULATION LXI.

A REGULATION *for determining what Sicca Rupees of the nineteenth Sun shall be considered as of standard Weight in Payments, in the Provinces of Bengal, Behar, and Orissa:* PASSED *by the Governor-General in Council, on the* 13*th November*, 1795.

[The Sicca rupee having, under Act XIII. 1836, ceased to be a legal tender, the whole of this Regulation, with the exception of the following Section, is superseded.]

Mint-master to furnish standard weights.

V. The mint-master at Calcutta is required to furnish the Board of Revenue, for the use of the Collectors, with stamped metal weights of fifty *sicca* weight each, or such other weight as may be required by them, and all receipts and payments at the public treasuries are to be regulated agreeably to such standard weights.

Reg. LXII. 1795.

A.D. 1795. REGULATION LXII.

A REGULATION *for withdrawing the Mint established at Moorshedabad under Regulation XXXV.* 1793: PASSED *by the Governor-General in Council, on the* 11*th December*, 1795.

I. THE continuance of the mint established at Moorshedabad being deemed unnecessary, in consequence of the inconsiderable quantity of coin

and bullion brought to it for coinage, the Governor-General in Council has enacted as follows.

II. The mint established at Moorshedabad, under Regulation XXXV. 1793, is hereby directed to be withdrawn. Moorshedabad mint withdrawn.

A.D. 1796. REGULATION I.

Reg I. 1796.

A REGULATION *for the Trial of the Hill People in the Districts of Rajemahal and Boglepore for Crimes and Misdemeanors:* PASSED *by the Governor-General in Council, on the* 1*st April*, 1796.

[Rescinded by Section II. Regulation I. 1827.]

A.D. 1796. REGULATION II.*

Reg. II. 1796.

A REGULATION *for the Guidance of the Zillah and City Magistrates in the Provinces of Bengal, Behar, Orissa, and Benares, in apprehending and bringing to Trial European British Subjects charged with Acts which may render them liable to a criminal Prosecution:* PASSED *by the Governor-General in Council, on the* 18*th April*, 1796.

I. THE Act of 21 Geo. III. cap. 65, having empowered the Governor-General in Council by commissions under the seal of the Supreme Court of Judicature, tested in the name of the Chief Justice, to appoint covenanted servants of the Company, or other British inhabitants whom he may think properly qualified, to act as justices of the peace; and the persons so appointed, after taking before the Court of Oyer and Terminer at this presidency the like oaths as are appointed to be taken by justices of the peace in Great Britain (with certain exceptions provided by the Act above mentioned), being vested with full power and authority to act as justices of the peace, according to the tenour of their commissions in and for the places therein specified, the Governor-General in Council, among other resolutions passed in pursuance of the above Act on the 27th January, 1794, resolved as follows, viz.: "That for the purpose of investing the magistrates of the several zillahs, and of the cities of Dacca, Moorshedabad, and Patna, with legal authority to apprehend and send to

* Power is given to magistrates as justices of the peace by the Act 53 Geo. III. cap. 155, Cl. 105, to try cases of assault and trespass committed by British subjects on the natives of India (see the clause at the end of this Regulation). If the European charged be an officer or soldier, the magistrate must proceed under Regulation XX. 1825.

Calcutta Europeans who may offend against the peace, they be respectively appointed justices of the peace, according to the Act above cited, within their several jurisdictions, as now or hereafter constituted, and that they be named in the warrant to be issued to the judges of the Supreme Court accordingly; but as it would be expensive and inconvenient to require them all to repair immediately to Calcutta to take the prescribed oath of qualification, that they be directed to take this oath as they may hereafter occasionally visit the presidency, and in the mean time be apprized that their execution of the functions of a justice of the peace must remain suspended, agreeably to the restriction to this effect in the 152nd clause of the Act above noticed." This appointment of the zillah and city magistrates to be justices of the peace rendering it unnecessary, after they have respectively taken the oath of qualification, to send European British subjects apprehended by them to be committed for trial by one of the judges of the Supreme Court of Judicature, as directed in Section XIX. Regulation IX. 1793, and the observance of this mode of commitment being liable to occasion considerable inconvenience to the witnesses, one or more of whom must attend at Calcutta with the prisoner to give evidence to warrant his commitment, to obviate this inconvenience, and in pursuance of the foregoing appointment of the zillah and city magistrates to be justices of the peace within their respective jurisdictions, the Governor-General in Council has resolved to rescind Section XIX. Regulation IX. 1793, and the following rules are hereafter to be observed in the place of it.

Process to be observed for apprehension and trial of European British subjects liable to a criminal prosecution.

II. *First.* All Europeans, not British subjects, are amenable to the authority of the magistrates and *Courts of Circuit* within whose jurisdictions they may be apprehended and brought to trial, in common with the natives of the country. But European British subjects, for all acts of a criminal nature, are amenable only to the Supreme Court of Judicature at Calcutta; and in the event of any charges being preferred against them which may render them liable to a criminal prosecution in that court, the following process is to be observed for their apprehension and trial.

See Act VIII. 1836.

If the charge be preferred to a magistrate qualified to act as justice of the peace.

Second. If the zillah or city magistrate, before whom the charge against such European British subject may be preferred, shall have taken the oaths of qualification as a justice of the peace, and thereby have become vested with the full power and authority of a justice of the peace, under the provision made for that purpose by the Act of 21 Geo III. cap. 65, the magistrate, upon the charge or information being lodged before him upon *oath*, is to proceed to the apprehension of the party accused, and provided the evidence against him be sufficient to warrant the same, to his commitment for trial, as he is authorized and required to do by virtue of his commission as justice of the peace; and if there appear to him sufficient grounds for committing such British subject for trial, he is to issue a warrant, under his signature and official seal, directed to the sheriff of Calcutta, and commanding him to receive the prisoner into his custody for trial at the ensuing sessions. He is likewise to bind over the prosecutor to repair to Calcutta before the session next ensuing, and is to take recognizances from the witnesses for their appearance at the trial.

See Act XVI. 1841.

See Sec. ii. Reg. XV. 1806.

If the magistrate to whom the charge may be preferred is not qua-

Third. If the zillah or city magistrate, before whom an European British subject may be charged as aforesaid, shall not have taken the oath

of qualification, and be therefore unqualified to act as justice of the peace under the Act of Parliament above recited, upon the charge or information being lodged before him upon *oath*, he is to make a summary inquiry into the circumstances of the charge without delay: and if there appear to be sufficient grounds for committing such British subject for trial, he is to be apprehended and immediately conveyed under safe custody to Calcutta, [*and a report of the case made at the same time to the Court of Nizamut Adawlut, who, on his arrival at the presidency, are to instruct the Honourable Company's Attorney to take the necessary measures for his commitment and trial at the ensuing session*]. Two witnesses to the facts alleged against the prisoner (if so many be procurable) are also to be sent with him to Calcutta, or bound to appear and give evidence for the purpose of his commitment at the time of his arrival; and a list of such witnesses is, in all cases, to accompany the letter sent with the prisoner to the Court of Nizamut Adawlut. The magistrate is further to bind over the prosecutor to repair to Calcutta before the session next ensuing, and is to take penal recognizances from the witnesses for their appearance at the trial.

lified to act as justice of the peace

Rescinded by Sec. iv. Reg. XV. 1806.

See Sec. iii Reg. XV. 1806

III. In all cases of inability of the prosecutor or witnesses to defray the charge of the journey to Calcutta, the magistrate is authorized to make them the same allowance as by Section XXVI. Regulation IX. 1793, he is authorized to make to prosecutors and witnesses in need of such assistance, during their attendance on the *Courts of Circuit*, viz. a daily allowance of two annas each during their attendance on the Supreme Court, including the actual period of their journey to and from Calcutta, or sufficient time for their return after their discharge from the court, in cases wherein it may appear they have voluntarily protracted their return beyond what was necessary.

Allowance to be made to prosecutors and witnesses in need of pecuniary assistance.

Extinct.

IV. *To obviate, as far as possible, the inconvenience stated in the preamble to this Regulation, in cases of complaints of a criminal nature against European British subjects being preferred to a zillah or city magistrate, not qualified to act as justice of the peace, the magistrates of the several zillahs, and of the cities of Dacca, Moorshedabad, Patna, and Benares, who have not already taken the prescribed oath of qualification to act as justice of the peace of their respective districts, are required to do so within six months from this date:* and all persons hereafter appointed to the station of zillah or city magistrate are required to take the said oath within six months from the date of their appointment: unless, in any particular instance, it should be necessary or convenient to defer the same to a later period; in which case the Court of Nizamut Adawlut, on application being made to them, are authorized to grant such extension as they may judge proper, so that in no instance, without the sanction of the Governor-General in Council in cases of emergency, the taking the oath, in the manner prescribed in the Act of Parliament aforesaid, shall be deferred beyond a twelvemonth from the date of appointment of any zillah or city magistrate hereby required to take the same.

Zillah and city magistrates to take the prescribed oath as justices of the peace within six months from this date, or the dates of their future appointments.

See Act XVI. 1841.

Exception.

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53 Geo III. Cap 155.

See Acts XI 1836, and IV. 1843.

CV. And whereas his Majesty's British subjects resident in the British territories in India, without the towns of Calcutta, Madras, and the town and island of Bombay, are now,

Justices of peace in the provinces shall have

jurisdiction in case of assault and trespass committed by British subjects on the natives of India.

by law, subject only to the jurisdiction of his Majesty's courts at Calcutta, Madras, and Bombay respectively, and are exempted from the jurisdiction of the courts established by the said United Company within the said territories, to which all other persons, whether natives or others, inhabitants in the said territories, without the limits of the towns aforesaid, are amenable: and whereas it is expedient to provide more effectual redress for the native inhabitants of the said territories, as well in the case of assault, forcible entry, or other injury accompanied with force, which may be committed by British subjects at a distance from the places where his Majesty's courts are established, as in case of civil controversies with such British subjects; be it therefore enacted, that it shall and may be lawful for any native of India, resident in the East Indies, or parts aforesaid, and without the said towns, in case of any assault, forcible entry, or other injury accompanied with force, alleged to have been done against his person or property by a British subject, to complain of such assault, forcible entry, or other injury accompanied with force, not being felony, to the magistrate of the zillah or district where the alleged offender shall be resident, or in which such offence shall have been committed; and that such magistrate shall have power and authority, at the instance of the person so complaining, to take cognizance of such complaint, to hear parties, to examine witnesses, and having taken in writing the substance of the complaint, defence, and evidence, to acquit or convict the person accused; and in case of conviction, to inflict upon such person a suitable punishment, by fine not exceeding Rs. 500, to be levied, in case of non-payment, by warrant under the hand of the said magistrate, and upon any property of the party so convicted, which may be found within the said district; and if no such property shall be found within the said district, then it shall be lawful for the said magistrate, by warrant also under his hand, to commit such offender to some place of confinement within the said zillah or district, which in the judgment of the said magistrate shall be fit for receiving such offender; or if there shall be no fit place of confinement, then to the gaol of the presidency, to remain there for a period not exceeding two months, unless such fine shall be sooner paid; and it shall be lawful for the said magistrate to award the whole or any portion of such fine to the party aggrieved, by way of satisfaction for such injury: provided always, that in all cases of conviction of a British subject, under the provision hereinbefore contained, the magistrate before whom such conviction shall take place, shall forthwith transmit copies of such conviction, and of all depositions and other proceedings relative thereto, to the Government to which the place wherein the offence was committed is or shall be subordinate: provided also, that all such fines shall be paid in the first instance to the magistrate before whom the party offending shall be convicted, and the amount thereof, after making such satisfaction to the party aggrieved, as aforesaid, if any, shall be transmitted by such magistrate to the clerk of the crown, or other officer to whom it belongs to receive fines in his Majesty's Court of Oyer and Terminer and Gaol Delivery for the province within which the offence shall have been committed; and such fines shall and may be disposed of in the same manner as other fines imposed by such Court of Oyer and Terminer and Gaol Delivery: provided also, that all such convictions shall and may be removable by writ of certiorari into the said Courts of Oyer and Terminer and Gaol Delivery respectively, in the same manner and upon the same terms and conditions, and shall be proceeded upon in the same manner in every respect as is directed in the said Act of the thirty-third year of his Majesty's reign, with regard to other convictions before justices of peace in the British settlements or territories in India: provided also, that nothing herein contained shall extend, or be construed to extend, to prevent such magistrate from committing or holding to bail any British subject, charged with any such offence before him, in the same manner as such British subject might have been committed or holden to bail if this Act had not been passed, where the offence charged shall appear to such magistrate to be of so aggravated a nature as to be a fit subject for prosecution in any of his Majesty's courts to which such British subject may be amenable.

Copy of conviction and proceedings to be sent to the Government.

Fines to be paid to the magistrate;

application thereof.

Convictions removable by certiorari, and subject to provisions of 33 Geo. 3, c. 52,

A.D. 1796. REGULATION III.

Reg. III. 1796.

A REGULATION *for excluding from the Jurisdiction of the Court of Wards, certain Descriptions of Landed Estates belonging to disqualified Landholders, and for declaring the Rules in Section V. Regulation XLIV.* 1793, *to extend to the cancelling wholly the Leases of those Under-farmers, a Part only of the Land included in whose Leases may be sold for Arrears of Revenue:* PASSED *by the Governor-General in Council, on the* 22*nd April,* 1796.

I. REGULATION X. 1793, exempting the lands of disqualified proprietors from sale for arrears of public revenue accruing whilst under the management of the Court of Wards, instances have occurred in which individuals have transferred their estates to their minor sons, in order to bring their lands under the jurisdiction of that court. As the admission of transfers of this description would not only be inconsistent with the object of the said Regulation (which was intended for the security of the property of disqualified persons succeeding to estates in the regular course of inheritance on the demise of the party from whom they might inherit), but would also enable every individual, the revenue assets of whose estate might be diminished by mismanagement or from other causes, so as to be inadequate to the payment of the public demands, to bring his estate under the jurisdiction of the Court of Wards by a real or fictitious transfer of it to a minor son or other disqualified person, and thereby, in fact, not only compel Government to undertake the management of his estate, but also to submit to a loss equivalent to the deficiency in its revenue assets; and doubts having been entertained, whether the rules in Section V. Regulation XLIV. 1793, extend to the cancelling wholly the leases of those under-farmers, a part only of the lands included in whose leases are sold for arrears of public revenue, the following rules have been enacted.

Ordinary jurisdiction of the Court of Wards declared to extend to such lands only as devolve to the disqualified proprietors by inheritance on the demise of the party from whom they inherit.

II. The ordinary jurisdiction of the Court of Wards is declared to extend to such estates only as devolve to disqualified landholders, in the regular course of inheritance, on the demise of the party from whom they inherit the same; and all landed estates, whether subject to or exempt from the payment of revenue, which have or may become the property of any disqualified landholder by purchase, gift, or in virtue of any other right, excepting that of inheritance as aforesaid, are declared exempt from the jurisdiction and authority of the Court of Wards, and if subject to the payment of public revenue, shall be liable to sale for arrears thereof, and all other demands on the part of Government, in the same manner as if the proprietor or proprietors were not under any disqualification. Provided, however, that the above rule shall not be construed to extend to exempting from the jurisdiction of the Court of Wards any lands the property of a disqualified landholder now under their charge, which did not devolve to him or her in the regular course of succession, as aforesaid; nor to subjecting any such lands to sale for arrears of revenue on account of the

Exception with respect to lands of other descriptions belonging to disqualified proprietors which may be now under charge of the court, or

which the Governor-General in Council may hereafter commit to the charge of the court under the power herein reserved to him.

period during which they have been, or may be, under the charge of the court; and provided also, that it shall be competent to the Governor-General in Council to commit to the charge of the Court of Wards any estate paying revenue to Government, being the sole property of any disqualified person, or of any two or more persons, both or all of whom may be disqualified, although the same shall not have descended to such person or persons in the regular course of inheritance as aforesaid, and also any lakheraj lands belonging to such proprietor or proprietors, whenever the same shall appear to him for the interests of Government and the proprietor or proprietors; and such estate and lands so committed to the charge of the Court of Wards shall be exempt from sale for arrears of revenue accruing whilst they shall be under the charge of the court, and shall be considered in all respects, as far as regards the management of them by the court, the same as if they had devolved to the proprietor or proprietors in the regular course of inheritance as aforesaid; and the proprietor or proprietors shall in all respects be treated by the court accordingly.

Leases of under-farmers, a part only of the lands included in whose leases are sold for arrears, declared cancelled under Sec. v. Reg. XLIV. 1793.

III. [*The rules contained in Section V. Regulation XLIV.* 1793, *are hereby declared to extend to the cancelling wholly the leases of those under-farmers, a part only of the lands included in whose leases may be sold for the discharge of arrears of public revenue.*] Superseded by Sec. xxvi. Act I. 1845.

Reg. IV. 1796.

A.D. 1796. REGULATION IV.

A REGULATION *to provide for the occasional Absence of the Zillah and City Judges and Magistrates, in the Provinces of Bengal, Behar, Orissa, and Benares, from their respective Stations; and prescribing the Duties to be performed by the Registers of the Courts and the Assistants, on such Occasions, as well as in the Discharge of their official Functions:* PASSED *by the Governor-General in Council, on the* 13*th May,* 1796.

I. No rule being prescribed in the existing Regulations for the mode in which application is to be made by the zillah or city judges and magistrates for occasional leave of absence from their respective stations, or for communicating a compliance with such applications to the Provincial Courts of Appeal and Circuit; and the registers to the Zillah and City Courts being restricted by Section VII. Regulation XIII. 1793, from exercising the powers of judge, in the event of the temporary absence or indisposition of the judge, or of the office of judge being vacant, without the express sanction of the Governor-General in Council, whereby the precepts of the Provincial Courts have, in some instances, remained unexecuted without cause being shown for the same, and the business of the said courts has been thereby delayed and obstructed; to obviate these and other impediments, arising from the omissions and restrictions above mentioned, the following rules are now enacted, and are to be considered

in force from the time of their being received by the several Zillah and City Courts respectively.

II. Any zillah or city judge *and* magistrate who may be desirous of quitting his station, on whatever account, is to apply for permission to the Governor-General in Council; and, except in emergent cases of indisposition, is not to leave his station until such permission shall have been obtained and received. The letter of application is to specify the purpose for which the leave of absence is applied for; the period for which it is desired; *and the name of the register, or senior assistant on the spot, to whom the charge of the offices of judge and magistrate will devolve, if not otherwise provided for.*

Zillah *and* city judges to apply to the Governor-General in Council for permission to quit their stations, and to wait the receipt thereof.

Except in emergent cases

What the letter of application is to contain.

III. The Governor-General in Council, on receipt of the above-mentioned applications, will determine, in every instance wherein he may grant leave of absence to the judge *and* magistrate to quit his station, *whether to delegate the temporary execution of the duties of judge and magistrate to the register or senior assistant on the spot,* or to appoint any other person by a special commission thereto, or to make other provision for carrying on such part of the business of the station, civil and criminal, as cannot be postponed, according to the urgency and circumstances of the case. The result of this determination will be immediately communicated to the judge *and* magistrate, and *his register and assistant, or any other* person appointed to act for him; and notice of it is to be given, at the same time, to the Courts of Sudder Dewanny and Nizamut Adawlut, *and the Provincial Courts of Appeal and Circuit,* within whose jurisdiction the Zillah or City Court of the judge *and* magistrate to whom leave of absence may be granted is situated.

The Governor-General in Council will determine in every instance whether to delegate the duties of judge *and* magistrate *to the register and senior assistant, or* to appoint any other person thereto.

To whom his determination will be communicated.

IV. The zillah or city judges *and* magistrates to whom leave of absence may be granted are to report their actual departure from their stations, as well as their return thereto, to the Governor-General in Council, the Courts of Sudder Dewanny and Nizamut Adawlut, *and the Courts of Appeal and Circuit, within whose jurisdiction their respective courts may be situated.*

To whom zillah and city judges *and* magistrates are to report their departure from, and return to their stations.

V. [Duties of a register in charge without special authority from Government.]—*Inoperative, the office of zillah register being abolished by Section XXIX. Regulation V.* 1831.

VI.* The foregoing rules are meant to supersede and rescind such part of Section VII. Regulation XIII. 1793, as respects the duties of the registers and assistants to the judges *and* magistrates of the several zillahs, and the cities of Dacca, Moorshedabad, Patna, and Benares, in the event of the temporary absence or indisposition of the judge or magistrate, or of the offices of judge *and* magistrate becoming vacant by death or otherwise; but the latter part of the said section, which restricts the registers in general from the exercise of any powers not vested in them or authorized to be delegated to them by the Regulations, is still to be considered in

What part of Regulation XIII. 1793, is meant to be rescinded by the foregoing rules.

What part to be still considered in force.

* This Section, as well as the provisions of Sec. vii. Reg. XIII. 1793, can now only apply to the register of the Sudder Court.

General duty of all assistants to the Zillah and City Courts, civil and criminal, and prohibition of their exercise of judicial powers without express authority.

full force; and it is hereby declared to apply equally to all assistants to the Zillah and City Courts, civil or criminal, who are to perform all such ministerial acts as may be prescribed to them by the judges *and* magistrates consistently with the Regulations; but are in no cases to exercise judicial powers, either civil or criminal, except in the cases expressly provided for by this Regulation, or in which they have been, or may be, expressly authorized to exercise such powers by some Regulations passed on or subsequent to the 1st May, 1793, and printed and published in the manner directed in Regulation XLI. 1793.

Reg. V. 1796.

A.D. 1796. REGULATION V.

A REGULATION *for explaining certain Parts of the existing Regulations relative to public Sales of Land in the Provinces of Bengal, Behar, and Orissa:* PASSED *by the Governor-General in Council, on the 20th May,* 1796.

[Rescinded by Clause First, Section II. Regulation XI. 1822.]

Reg. VI. 1796.

A.D. 1796. REGULATION VI.

A REGULATION *for empowering the Court of Nizamut Adawlut to recommend to the Governor-General in Council a Mitigation of the Punishment declared by the Futwah of their Law Officers, or a Pardon of the Prisoners thereby declared subject to Punishment short of Death, and also the Pardon of Accessories in certain Cases, for the Apprehension or Conviction of the principal Offenders; and for altering the Periods of the General Gaol Deliveries in the Division of Dacca:* PASSED *by the Governor-General in Council, on the 15th July,* 1796.

[Rescinded by Section II. Regulation XIV. 1810.]

A.D. 1796. REGULATION VII.

Reg. VII. 1796.

A REGULATION *for repealing such Part of Regulations VIII. and X.* 1793, *as excludes the Proprietors of Land from the Management of their Estates on Grounds of Contumacy or Profligacy of Character:* PASSED *by the Governor-General in Council, on the 22nd July,* 1796.

I. CONSIDERATIONS of humanity, and a regard to the interest of individuals who, from natural or other disqualifications, might be considered incapable of managing their own estates, induced the Governor-General in Council, in framing the rules contained in Regulation VIII. 1793, for a permanent settlement of the territorial revenue of the Company's provinces, to exclude from the general settlement with the proprietors of the soil, certain descriptions of persons who, from natural defects or infirmities, were deemed incompetent to the management of their lands, and to direct that the same should be managed, for the benefit of the proprietors, by persons appointed to the trust by Government, under the restrictions prescribed in Regulation X. 1793. From similar motives, and with a view to provide against particular cases of contumacious conduct, this exclusion was, in like manner, extended to persons whom the Governor-General in Council might deem disqualified on account of contumacy or notorious profligacy of character. But that these grounds of disqualification might not be assumed against any landholder without a fair investigation and the fullest evidence, it was enacted by Clause Fourth, Section V. Regulation X. that if a proprietor of land should be deemed disqualified on the ground of contumacy or notorious profligacy of character, an inquiry into the circumstances of the case should be made, in the presence of the party or his vakeel, by the judge of the zillah or Provincial Court (as might be directed by the Sudder Dewanny Adawlut); that the party or his vakeel should be allowed to bring any evidence he might have to adduce; and finally, that the whole proceedings upon the case should be submitted for the consideration and decision of the Sudder Dewanny Adawlut, which court is to determine whether the stated ground of disqualification be well founded or otherwise. The public judicial inquiry ordered by the afore-mentioned Regulation to establish profligacy of character was obviously intended for the security and benefit of the parties to be affected thereby. But experience has shown that it is liable to ill consequences which far overbalance the advantages intended by it, and must, in many instances, by an exposure of private conduct and character in a public court of justice, be extremely offensive to those who are the objects of it, and may in some instances, particularly to Hindoo proprietors of land, prove highly injurious; than which nothing could be more foreign to the intention and wish of Government. For this reason, and further, in consideration of the general and indefinite terms in which the grounds of disqualification above mentioned are unavoidably stated, as well as in the expectation that the objects intended by the disqualification of landholders on these grounds will be sufficiently attained by the due administration of the laws, and the sense of interest which, now that the revenue of Govern-

ment is fixed, should impel every landholder to the utmost improvement of his own estate, the Governor-General in Council has resolved to alter, and in part rescind, the existing Regulations respecting disqualified proprietors of land, to the following effect.

Such parts of Sec. XX. Reg. VIII. 1793, as relate to the disqualification of proprietors of land on account of contumacy or notorious profligacy, together with the provisions contained in Clause 4, Sec. V. Reg. X. 1793, consequent thereon, and all parts of the said Regulation having reference thereto, rescinded.

II. The exceptions to the general rule for a settlement of the land revenue with the actual proprietors of the soil, contained in Section XX. Regulation VIII. 1793, as far as the same relate to persons whom the Governor-General in Council might deem disqualified on account of contumacy or notorious profligacy of character, are hereby revoked and done away; and, consequently, the provisions made in Clause Fourth, Section V. Regulation X. 1793, for the process to be observed in establishing these grounds of disqualification, together with all other parts of the said Regulation having reference thereto, or to the management of the lands of persons disqualified on the grounds in question, are to be considered no longer in force, as applicable to such persons or their lands.

III. to V. [Rules for the application of the above rules to cases pending when this Regulation was enacted.]—*Ceased to be operative.*

Reg. VIII. 1796.

A.D. 1796. REGULATION VIII.

A REGULATION *to determine the Fees receivable by Pleaders in the Zillah and City Courts in the Provinces of Bengal, Behar, and Orissa, in Suits for the Recovery of Arrears of Rent or Revenue, instituted under Regulation XXXV.* 1795: PASSED *by the Governor-General in Council, on the 2nd September*, 1796.

[Rescinded by Section II. Regulation XXVII. 1814.]

Reg. IX. 1796.

A.D. 1796. REGULATION IX.

A REGULATION *for the more certain Ascertainment of the Witnesses whom Prisoners, committed for Trial before the Courts of Circuit, may be desirous to have examined in their Defence; and of the Causes of the Non-attendance of any Witnesses named by Prisoners or Prosecutors, to give Evidence before the Courts of Circuit:* PASSED *by the Governor-General in Council, on the 23rd September*, 1796.

I. BY Section XII. of Regulation IX. 1793, the magistrates, previously to the arrival of the Courts of Circuit at their respective stations, are directed to ascertain from persons committed or held to bail to take their

trial before the Courts of Circuit, the names and places of abode of any witness or witnesses they may wish to have examined in their defence, and to issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons on whose behalf they may be summoned. In pursuance of the principle which dictated this Regulation, and in consideration of the great importance of a strict observance of it, both in justice to the parties brought to trial before the Courts of Circuit, and for the satisfaction of those courts, and the Court of Nizamut Adawlut, that the fullest opportunity has been given to all prisoners brought before them to adduce evidence in support of their innocence, the Governor-General in Council has passed the following further rule, to be considered in force from the date of its receipt by the several zillah and city magistrates.

Prisoner to be questioned at the time of his being committed or held to bail, and his answer recorded on the magistrate's proceedings, with specification of any witnesses named by him.

II. In all cases of a prisoner being committed, or held to bail, for trial before any *Court of Circuit*, the magistrate who may order him to be so committed or held to bail, shall, immediately after passing such order, question the prisoner whether he wishes to have any witness or witnesses examined in his defence before the *Court of Circuit;* and in the event of his answering in the affirmative, shall cause a list of the witnesses named by the prisoner, specifying their designations and places of abode, to be taken down and recorded upon his proceedings, or in the event of the prisoner's replying in the negative, shall cause his reply to that effect to be recorded on his proceedings, for the information of the *Court of Circuit.*

In addition to the above rule, Section xii. Regulation IX. 1793, to be still considered in force, and any witnesses named before *the arrival of the Court of Circuit* to be summoned to attend the trial before that court.

III. An observance of the foregoing rule will leave all prisoners committed or held to bail for trial before the *Courts of Circuit* without any just ground of complaint, that they have not been allowed to bring witnesses in support of their innocence; but as it may happen that, from want of recollection or other cause, a prisoner at the time of his commitment may omit to name a witness whose evidence he may afterwards be desirous to adduce upon his trial, the magistrates, in addition to the above rule, are still to consider Section XII. Regulation IX. 1793, in full force; and in the event of any person, whether committed or held to bail for trial before the *Court of Circuit*, at any time before the *session of that court*, desiring the examination of any witness or witnesses upon his trial, although the same may not have been named by him at the time of his being committed or held to bail, they are to be careful to cause the attendance of such witnesses, as well as of those before named, at the time fixed for the trial of the party who may desire their examination.

Magistrates, in addition to list of witnesses required by Section xiv. Regulation IX. 1793, to furnish the *Courts of Circuit* with the original returns of the nazir, and persons deputed to summon witnesses not in attendance.

Nazir, and person deputed to serve the summons, to be also in

IV. The magistrates are already required by Section XIV. Regulation IX. 1793, to transmit with their proceedings on each trial referred to the *Court of Circuit*, lists of the witnesses who may have been summoned at the requisition of the prosecutor or prisoner, specifying those who are in attendance and such as are absent, with the cause of the non-attendance of the latter. To furnish the *Courts of Circuit* with the fullest and most accurate information on the non-attendance of any absent witness, it is now further directed, that the above lists be accompanied with the original returns made to the magistrate by the nazir, and person deputed on his part to serve the summons on any witness who may not be in attendance; and

attendance on the *Court of Circuit*, to answer interrogatories.

The *Courts of Circuit* are expected to ascertain that all due measures have been taken to cause the attendance of witnesses.

that the nazir, and the person so deputed on his part, be kept in attendance on the *Court of Circuit*, to answer any interrogatories which *that court* may judge it necessary to put to them. By this means, the *Court of Circuit* will be enabled to ascertain the real causes of the non-attendance of witnesses by their own inquiry; and it is expected they will, in every instance, make such inquiry as far as may be necessary to satisfy themselves and the Court of Nizamut Adawlut, in cases referrible to that court, that all due measures have been taken to cause the attendance of the whole of the witnesses, both on the part of the prosecutor and the prisoner.

The foregoing rules extended to Benares.

V. The foregoing rules are to be considered applicable to Benares as well as the other provinces.

Reg. X. 1796.

A.D. 1796. REGULATION X.*

A REGULATION *for the Guidance of the Courts of Justice in Cases of a Difference of Opinion on the Meaning and Construction of the Regulations:* PASSED *by the Governor-General in Council, on the 7th of October*, 1796.

I. THE existing Regulations not having precisely defined the duty of the zillah and city judges and magistrates, in cases wherein they may construe the general rules prescribed by Government in a different sense from the construction given thereto by the judges of the Provincial Courts of Appeal and Courts of Circuit, and it being of consequence, to prevent delay in the administration of justice, that a clear rule of conduct should be established to provide for such cases, the Governor-General in Council has therefore enacted the following rules, to be considered equally applicable to the Benares courts as to those of the other provinces, and to be in force from the date of their receipt by the several courts respectively.

Zillah and city *judges* and magistrates may state objections to precepts of the *Provincial Courts or Courts of Circuit*, if considered contrary to or unwarranted by the Regulations.

And suspend execution till receipt of a second precept.

Second precept to be carried into immediate execution if required.

II. In all instances wherein a precept issued by a *Provincial Court of Appeal*, or a *Court of Circuit*, to a zillah or city *judge* or magistrate, shall appear to such judge or magistrate to be contrary to, or unwarranted by the existing Regulations, he is authorized to state to the *Provincial Court or Court of Circuit*, in what respects he considers their precept to be in deviation from the Regulations, and suspend execution till receipt of a second precept in reply to his objections. But if the second precept of the *Provincial Court or Court of Circuit*, in reply to the objections of the zillah or city *judge* or magistrate, shall confirm their first precept in whole

* The Provincial Courts of Appeal and Circuit having been abolished, the provisions of this Regulation will apply to differences of opinion between the zillah and session judges, and the magistrates and uncovenanted judges of the subordinate courts, which will be referrible to the Sudder Dewanny and Nizamut Adawlut.

or in part, and shall require the zillah or city *judge* or magistrate to execute the same without further reference, he shall immediately comply with such requisition. In case, however, the second precept of the *Provincial Court or Court of Circuit* should not satisfy the zillah or city *judge* or magistrate that the Regulations have been rightly construed by the *Provincial Court or Court of Circuit*, he is at liberty, at the same time that he certifies the execution of the order of the *Provincial Court or Court of Circuit*, to request that they will transmit copies of their precepts to him and his returns thereto, with such other papers as may be necessary for the information of the circumstances of the case, to the Court of Sudder Dewanny Adawlut or the Court of Nizamut Adawlut, according as the case in question may relate to the civil or criminal department; and the *Provincial Court or Court of Circuit* shall accordingly transmit such papers, as requested, without any unnecessary delay. Provided nevertheless, that nothing in this Regulation be understood to authorize any zillah or city *judge* or magistrate to question the propriety of any order issued by a *Provincial Court or Court of Circuit*, in cases clearly left to the discretion and judgment of the *Provincial Court or Court of Circuit* by the Regulations; the reference to them, and eventually to the Courts of Sudder Dewanny and Nizamut Adawlut, meant to be authorized by this Regulation, being confined to cases in which the sense of the Regulations, from a difference of construction or otherwise, may appear doubtful and uncertain.

But the zillah or city *judge* or magistrate, may, for his satisfaction, request a reference of the case to the Nizamut or Sudder Dewanny Adawlut.

Proviso, excepting cases clearly left by the Regulations to the discretion and judgment of the *Provincial Courts or Courts of Circuit*.

III. In all instances wherein a reference to the Court of Sudder Dewanny Adawlut or the Nizamut Adawlut may be made under the preceding rule, the determination of those Courts, who are empowered to prescribe the forms and conduct to be observed by the *Provincial*, Zillah, and City Courts of Dewanny Adawlut, the *Courts of Circuit*, and the zillah and city magistrates, in all cases provided for by the Regulations, agreeably to their construction thereof, is to be held final and conclusive.

Determination of the Nizamut or Sudder Dewanny Adawlut to be conclusive.

IV. Should any doubt occur to the Sudder Dewanny or the Nizamut Adawlut with respect to the meaning of any part of the Regulations, or should it appear to them, on occasion of any reference from the *Provincial, Zillah, or City Courts*, the *Courts of Circuit*, or the zillah or city magistrates, that the Regulations do not sufficiently provide for the case submitted to their decision, they are, in the former case, to report the circumstances of it to the Governor-General in Council, that a new *Regulation* may be framed in explanation of such doubt; and, in the latter case, *are to propose a new Regulation, in the manner prescribed by Regulation XX.* 1793.

Nizamut and Sudder Dewanny Adawlut to report to the Governor-General in Council any case in which they have doubts on the meaning of the Regulation.

Or if the case be not provided for by the Regulations, *to propose a new Regulation, agreeably to Reg. XX.* 1793.

Reg. XI 1796.

A.D. 1796. REGULATION XI.*

A REGULATION *for providing against Resistance to the Processes of the Zillah and City Courts and Police Officers, as well as for compelling the Appearance of Persons charged with Acts of a criminal Nature, who may abscond, or otherwise evade the Process issued against them:* PASSED *by the Governor-General in Council, on the 28th October,* 1796.

1. THE rules laid down in Regulation IV. 1793, for the punishment of resistance to the processes of the Zillah and City Civil Courts, not having been extended to the Criminal Courts, nor any rule prescribed for compelling the appearance of persons charged with acts of a criminal nature, who may abscond or otherwise evade the processes issued against them; and experience having shown the necessity of a provision for these cases, both to maintain the just authority of the zillah and city magistrates and police officers, and to prevent an evasion of their processes by flight, concealment, or otherwise; the Governor-General in Council has therefore enacted the following rules, to be considered in force from the period of their promulgation in the several zillahs and cities in the provinces of Bengal, Behar, Orissa, and Benares.

Zillah and city magistrates how to proceed against persons resisting their processes.

II. *First.* If any person amenable to the authority of the zillah and city magistrates or police officers shall resist, or cause to be resisted, any warrant, order, or other process of any zillah or city magistrate or police officer, the magistrate of the zillah or city in which such resistance may have been made, on the same being charged on *oath*, shall, if practicable, cause the party accused to be apprehended and brought before him to answer to the charge. If the party shall abscond or conceal himself so that he cannot be apprehended, or if, on any account, he cannot be immediately apprehended, the magistrate is to cause a written proclamation (in the Persian and Bengal languages, if it be in Bengal or Orissa, or in the Persian and Hindostanee languages, if it be in Behar or Benares), requiring the party to appear to answer the charge against him within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum, and to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. If the party charged as above cannot be apprehended, and shall not, within the period fixed by proclamation, appear to answer the charge against him, or if he shall be apprehended or shall appear in pursuance of the proclamation, and after receiving his answer to the charge, and hearing the evidence he may adduce in his defence, it shall be proved to the satisfaction of the magistrate that he is guilty of the charge, the magistrate is to pass judgment against him in the following manner.

This section is modified by Sec xxvi Reg XX 1817

See Act XXIX 1837

Judgment to be passed against persons convicted of such resistance

* Section iv. Regulation IX. 1801, declares the offence of resistance to process bailable, on any stage of inquiry, or after sentence pending reference to the Sudder Court, and Sec. v declares that if the offence be slight, magistrates may punish it under Sec. viii. Reg. IX. 1793.

Modified by Sec. xxvi. Reg. XX. 1817.

Second. If the offender be a zemindar, talookdar, or other proprietor of land paying revenue directly to Government, or the proprietor of altumgah, ayma, or other lands exempt from revenue, situated within the zillah or city in which the resistance was made, he shall declare such lands to be forfeited to Government, and by a precept, under his official seal and signature, shall immediately give notice to the collector of the district, who on receipt thereof shall cause the lands in question to be attached on the part of Government, and shall hold them in attachment till the receipt of a further precept from the magistrate to relinquish them, or of orders from the Governor-General in Council to be communicated to him in the manner hereafter directed.

If a proprietor of land paying revenue to Government, or of lakheraj land.

Third. If the offender be a sudder farmer holding a farm from Government within the zillah or city in which the resistance may have been made, the judgment against him shall declare his lease cancelled; and the magistrate, by a precept under his official seal and signature, shall immediately give notice to the collector of the district, who on receipt thereof shall proceed as above required, with respect to lands declared forfeited to Government.

If a sudder farmer holding a farm from Government.

Fourth. If the offender be not a proprietor of land or sudder farmer paying revenue to Government, as described in the two foregoing clauses, the judgment against him shall declare him liable to the payment of such fine to Government as may appear proper, upon a consideration of his rank and circumstances in life and the offence of which he may be convicted; and the magistrate shall immediately proceed to the attachment of any property appertaining to the offender for the recovery of the same, in the manner authorized by the Regulations for the recovery of sums of money decreed by the Civil Courts of Justice. In cases wherein the offender may have been apprehended, and may not be possessed of property adequate to the discharge of the fine adjudged against him, the magistrate, with the concurrence of the Nizamut Adawlut, may commute such fine to imprisonment or corporal punishment.

If the offender be not of the above descriptions.

See Sec. v. Reg. IX. 1801.

Fifth. Provided always, that the whole of the judgments passed by the zillah and city magistrates under this Regulation be immediately reported, with a complete copy and translation of their proceedings, to the Court of Nizamut Adawlut, and the orders of that Court be received under the following section, before the judgment passed by a zillah or city magistrate under this Regulation be considered final and conclusive.

Judgments of magistrates, under this Regulation, to be reported to Nizamut Adawlut, without whose orders such judgments not to be considered final and conclusive.

III. The Nizamut Adawlut, on receipt of the proceedings referred to in the above section, are to pass such order thereupon as they may think proper, on due consideration of the evidence and all the circumstances of the case; and in all instances wherein the forfeiture of the offender's lands or lease may appear to them too severe a punishment for the offence, they are authorized to commute the same for such fine to Government as they may judge adequate, and order the attachment of the lands to be taken off on the payment thereof. The sentence of the Nizamut Adawlut is to be final in all cases of fine, imprisonment, *and corporal punishment;* but in case they shall confirm the judgment of the magistrate for a forfeiture of the offender's land or lease, they are, previous to ordering such sentence to be carried into execution, to transmit their proceedings, with those of the magistrate, to the Governor-General in Council, who will finally determine

Nizamut Adawlut how to proceed in cases referred to them under this Regulation.

whether the sentence of forfeiture shall be put in force or commuted to a fine, or otherwise; and who, whenever he may order the land or lease of the offender to be forfeited to Government, will, at the same time, cause the necessary instructions for the future disposal of the land to be conveyed to the collector through the Board of Revenue. In case the magistrate's judgment of forfeiture be set aside, either by the Niżamut Adawlut or Governor-General in Council, he is immediately on being informed thereof, and on receipt of the fine (if a fine be ordered), to issue a precept to the collector, requiring him to remove the attachment, and to cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Zillah and city magistrates how to proceed against persons who may evade their processes by flight or concealment.

IV. *First.* If any person charged with an offence of a criminal nature shall abscond, or conceal himself so that upon a process issued against him by a zillah or city magistrate or police officer he cannot be found, the magistrate is to cause a written proclamation (in the Persian and Bengal languages, if it be in Bengal or Orissa, or in the Persian and Hindostanee languages, if it be in Behar or Benares), requiring the absent party to appear to answer the charge against him within a fixed period, not less than one month, to be publicly read and proclaimed by beat of drum; and shall cause such proclamation to be affixed in some conspicuous part of his cutcherry, as well as on the outer door of the house in which the party may have usually dwelt, or some conspicuous place in the village in which he may have generally resided. In case the party shall not appear and deliver himself up within the period fixed by such proclamation, the magistrate, on receiving the Nazir's return to this effect, is to order the attachment of any land or other real property held by the absentee within his jurisdiction, in the following manner.

See Act XXIX 1837

Land or other real property to be attached upon non-attendance after proclamation

Attachment, in what manner to be made if the absentee be a proprietor or farmer of land paying revenue to Government

Second. If the absentee be a proprietor of land or sudder farmer paying revenue immediately to Government, he is to issue a precept, under his official seal and signature, to the collector of the district, requiring him to hold the land or farm of the absentee in attachment till the receipt of further notice. And the collector is accordingly to obey such requisition, and to take such measures as may be necessary for the due care and management of the lands whilst under his charge, subject to the instructions of the Board of Revenue, to whom he is to make an immediate report of any instances of land being delivered over to him under this Regulation; he is also to relinquish such lands, on being advised by the magistrate that the attachment has been taken off, on the attendance of the absentee, and is to cause a full and fair account to be rendered of all receipts and disbursements during the period of attachment.

Modified by Sec xxvi Reg XX. 1817

Or if the absentee be not of the above descriptions.

Third. If the absentee be not a proprietor or farmer of land paying revenue to Government, but as a dependent talookdar, under-farmer, or ryot, or in any other capacity whatever, be the tenant of landed property capable of attachment, the magistrate is to issue a precept to the collector of the district, directing him to attach the same, and adopt the necessary measures for the due care and management of it whilst under his charge; paying from the product any rent which may become due to the zemindar or other person entitled thereto, and deducting all necessary expenses in the account to be rendered to the absentee, whenever he may attend and the attachment of his property be removed.

V. In all instances wherein an attachment of property may be ordered under the foregoing rule, the magistrate, immediately on the attendance of the party for whose appearance it was ordered, is to direct, by a written precept, that the attachment be removed, and that a full and fair account be rendered of all receipts and disbursements during the period of attachment.

Attachment to be taken off on attendance of the absentee, and an account rendered of receipts and disbursements.

VI. Should the absentee neglect to attend for a period of six months after the lands have been ordered under attachment, the magistrate is to report the case to the Governor-General in Council, who will pass such order upon it, and upon the future disposal of the lands, as he may judge proper.

Report to be made to the Governor-General in Council, in case the absentee shall not attend within six months after the attachment of his lands.

A.D. 1796. REGULATION XII.

Reg. XII. 1796.

A Regulation *for increasing the Deposit on the Purchase of Lands at public Sale from Five to Fifteen per Cent. in the Provinces of Bengal, Behar, Orissa, and Benares:* Passed *by the Governor-General in Council, on the* 16*th December*, 1796.

[Repealed by Clause Second, Section II. Regulation XI. 1822, so far as relates to sales for arrears, and by Section I. Act IV. 1846, so far as relates to sales under decrees.]

A.D. 1796. REGULATION XIII.

Reg. XIII. 1796.

A Regulation *for repealing such Parts of Regulations V. and VI.* 1793, *as authorize the Execution of Decrees passed by the Zillah and City Courts in the Provinces of Bengal, Behar, Orissa, and Benares, although appealed from to the Provincial Courts, and of Decrees passed by the Provincial Courts appealed from to the Sudder Dewanny Adawlut:* Passed *by the Governor-General in Council, on the* 16*th December*, 1796.

I. The clause in Section XII. of Regulation V. 1793, which authorizes the Zillah and City Courts, in cases of appeal to the Provincial Courts, to carry into execution the decrees passed by them, notwithstanding the appeal, unless the decree be for land or real property; and a similar clause in Section X. of Regulation VI. 1793, authorizing the Provincial Courts to execute their decrees, although appealed from to the Sudder Dewanny Adawlut, under the same restriction with respect to land or other real property, having been found objectionable, in as much as it often occurs that a decree cannot be enforced without a sale of property or attachment

of the person, both which are liable to objection whilst there is a possibility of the judgment passed in the first instance being reversed or qualified on the appeal, the following rules have been enacted, to be considered in force from the date of the receipt of this Regulation by the several Courts in the provinces of Bengal, Behar, Orissa, and Benares.

Execution of decrees appealed from, whether passed in a Zillah, City, or Provincial Court, to be suspended during the appeal under the prescribed security.

II. *In all authorized cases of appeal from the decrees of the Zillah or City Courts to the Provincial Courts, or from the decrees of the Provincial Courts to the Sudder Dewanny Adawlut, the court in which the decree appealed from may have been passed shall suspend the execution of it during the appeal, provided the party against whom the decree may have been passed shall, at the time of preferring his appeal, or within such reasonable period afterwards as may be fixed for the purpose, deliver the security required by the existing Regulations; viz. if the decree be for a zemindarry, talook, or other land, or for a house or other real property, good and sufficient security in a sum equal to one year's produce thereof, and in all other cases good and sufficient security in an amount equal to the sum of money or value of the thing decreed, for the performance of the decree which may be passed upon the appeal.*

Superseded by Sec. xi. Reg XIII. 1816.

Interest to be allowed on sums adjudged by the decree appealed from, if confirmed, and litigious appeals to be punished by fine.

III.* To prevent an abuse of the above rule and the encouragement of litigious appeals, the *Provincial Courts of Appeal*, in all cases wherein they may confirm the decree of a Zillah or City Court, and the Sudder Dewanny Adawlut in all cases wherein it may confirm the decree of a *Provincial Court*, are to adjudge interest, at the rate of one per cent. per mensem, on all sums receivable by the respondent under the decree passed in his favour, from the date of such decree, and are authorized to punish appeals which may appear to them litigious by a fine to Government, proportionate to the condition of the party and the circumstances of the case.

* In respect of this section the Zillah Courts now stand in the same relation to the courts of the uncovenanted judges as the Provincial Courts did to the Zillah Courts.

Reg. I. 1797.

A.D. 1797. REGULATION I.

A REGULATION *for the Collection of a new Duty of One per Cent. to be levied on all Imports into and Exports from the Port of Calcutta, excepting Money and Bullion; and for prohibiting the Importation of Opium from the Territories of the Nabob Vizier, or from any foreign Country:* PASSED *by the Governor-General in Council, on the 2nd January,* 1797.

I. to VI. Rescinded by Clause First, Section II. Regulation IX. 1810.

VII. VIII. IX. Rescinded by Section II. Regulation XIII. 1816.

A.D. 1797. REGULATION II.

Reg. II. 1797.

A REGULATION *for defining more specifically the Responsibility of the Landholders and Farmers of Land in the Province of Benares, under the Charge of the Police vested in them, conformably to their Engagements by Regulation XVII.* 1795: PASSED *by the Governor-General in Council, on the 27th January,* 1797.

I. BY Section II. of Regulation XVII. 1795, the police of the province of Benares, subject to the control of the magistrates, has been placed under the joint charge of the tehseeldars, landholders, and farmers of land, who, conformably to their engagements, are declared bound to and responsible for the preservation of the peace; and by Section III. of the above Regulation, tehseeldars, landholders, and farmers of land, are declared responsible for robberies or thefts committed in their respective limits, estates, or farms; the tehseeldars in the first instance, and the landholders and farmers to the tehseeldars, in the manner specified in Sections XIV. and XV. of Regulation II. 1795. The tehseeldars, by Sections VI. and XX. of Regulation XVII. 1795, are further made liable to dismission from their offices for misconduct, and to prosecution, either criminally before the Court of Circuit, or for damages in the Dewanny Adawlut, for any act repugnant to the rules prescribed for their guidance. But with respect to landholders and farmers (except in cases of theft and robbery), it has not been sufficiently specified how far they are responsible, or in what manner they are to be proceeded against, in cases of want of care or vigilance on their parts to preserve the peace or apprehend the disturbers of it, within their respective estates or farms. To remove all doubt on this head, therefore, the following rules are enacted, to be considered applicable to the province of Benares only, and to be in force from the period of their promulgation in that province.

What persons the landholders and farmers of land in charge of the police are to apprehend, and how far they are bound to preserve the peace within their respective estates and farms.

II. The landholders and farmers of land, who by Regulation XVII. 1795, are, *jointly with the tehseeldars,** entrusted with the police of their respective estates and farms, are required, with the assistance of their pykes, chokeedars, pausbauns, and other descriptions of village watchmen, to give at all times their utmost care and vigilance to prevent affrays, assaults, and all other acts of violence and breaches of the peace, within their respective estates and farms, as well as to apprehend and deliver over to the *tehseeldars* any persons who may be found in the act of committing a breach of the peace, *or whom the village watchmen are required to apprehend by Section XIV. of Regulation XVII.* 1795,* or whom the *tehseeldars* may require their aid to apprehend in execution of the duties vested in them.

Penalty for wilful neglect in the instances

III. *First.* Any landholder or farmer of land who may be convicted of

* The powers and duties of tehseeldars in respect of the police were abolished by Sec. ii. Reg. XIV. 1807, and Sec. ii. Reg. XX. 1817, by which latter, Sec. xiv. Reg. XVII. 1795, was entirely rescinded.

referred to in this Regulation, and how landholders and farmers accused of such are to be proceeded against.

wilful neglect in the instances above referred to, and particularly of neglect to afford his ready and utmost assistance on the requisition of a *telseeldar*,* in apprehending persons within his estate or farm who may have committed, or be charged with having committed a breach of the peace, is declared liable to the forfeiture of his estate or farm, or to such fine to Government as may be judged adequate to the circumstances of the case, and is to be proceeded against in the following manner.

Proceedings to be held by the magistrate;

Second. The charge of wilful neglect, in the instances aforesaid, is to be received and examined into by the magistrate, in the mode prescribed by the Regulations with respect to other charges of a criminal nature; and after hearing the defence of the party accused, with the evidence adduced against him in his behalf, if the magistrate shall be of opinion that the charge is not established, he is to pass judgment of acquittal, with damages to the party if the complaint shall appear to have been groundless and litigious. If the magistrate shall consider the charge established, he is to record his opinion to this effect, with the punishment he may judge adequate to the case, whether a fine (the amount of which to be specified) or a forfeiture of the offender's estate or farm (the annual jumma of which is to be in that case specified), and to transmit without delay a copy and translation of his proceedings to the Court of Nizamut Adawlut.

and by the Nizamut Adawlut.

Third. The Nizamut Adawlut, on receipt of the magistrate's proceedings, are to pass such order thereupon as they may think proper, on due consideration of the evidence and all the circumstances of the case; and in all instances wherein they may order a fine to Government, their judgment is to be considered final, and immediately carried into execution by the magistrate, in the same manner as other fines are levied under the existing Regulations. But in case the Nizamut Adawlut shall adjudge a forfeiture of the offender's land or lease, they are, previous to ordering such judgment to be carried into execution, to transmit their proceedings, with those of the magistrate, to the Governor-General in Council, who will finally determine whether the judgment of forfeiture shall be put in force, or commuted to a fine, or otherwise; and who, whenever he may order the land or lease of the offender to be forfeited to Government, will at the same time cause the necessary instructions for the future disposal of the land to be conveyed to the Collector, through the Board of Revenue.

* See note in preceding page.

A.D. 1797. REGULATION III.

Reg. III. 1797.

A REGULATION *for constituting one Court of Circuit to expedite the Gaol Deliveries of the Zillahs and Cities within the several Divisions of the Courts of Circuits for Calcutta, Dacca, Patna, Moorshedabad, and Benares, instead of two Courts, as provided by Regulation VII.* 1794, *and Regulation XVI.* 1795: PASSED *by the Governor-General in Council, on the 27th January,* 1797.

[Superseded by the abolition of the Courts of Circuit.]

A.D. 1797. REGULATION IV.

Reg. IV. 1797.

A REGULATION *for making sundry Alterations in and Additions to Regulation IX.* 1793: PASSED *by the Vice-President in Council, on the 13th March,* 1797.

I. A REFERENCE to the heirs of the slain, in cases of conviction of murder, is prescribed in Section LII. Regulation IX. 1793; provisions for the refusal of the heirs to prosecute, for their non-appearance, and for their minority, are made in Section LV. Regulation IX. 1793, and Section LXXVI. requires the Nizamut Adawlut to sentence persons convicted of murder to suffer death, although the heirs of the slain should pardon or require the price of blood. The evident object of the above provisions in Regulation IX. 1793, was to do away all operation of the will of the heirs in cases of murder; but some particular cases appertaining to the Mahomedan law not having been expressly mentioned, a doubt has arisen on the propriety of applying the Regulation in question to such cases. Moreover, since the date of the above Regulation, sundry circular orders have been issued to the Courts of Circuit and zillah and city magistrates, which have not yet been printed and published in the form directed by Regulation XLI. 1793. The following rules are therefore enacted, to be considered in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of their promulgation therein respectively.

Secs. lii. lv. and lxxvi. of Reg. IX. 1793, rescinded.

II. Sections LII. LV. and LXXVI. Regulation IX. 1793, are hereby rescinded; and the following mode of proceeding is to be hereafter observed by the *Courts of Circuit and* Nizamut Adawlut, in the cases therein referred to.

In trials for murder, the law officer to be required to declare whether the prisoner is convicted of the charge.

III. In trials for murder before the *Courts of Circuit*, after the proceedings shall have been concluded in the manner prescribed by Section XLVII. Regulation IX. 1793, the law officer of the court, who may

be present during the trial, shall be required by the judge to declare whether the prisoner is convicted of the charge against him, and shall subscribe his answer on the record of the court's proceedings. If the law officer shall declare the prisoner to be not guilty, the judge shall pass an immediate sentence of acquittal and order him to be discharged; unless he shall see cause to disapprove such verdict, in which case he is to refer the proceedings on the trial for the sentence of the Nizamut Adawlut. If the answer of the law officer shall declare the prisoner to be convicted of wilful murder (kutl-amd), the judge, without making any reference to the heir or heirs of the slain, shall require the law officer to declare the punishment to which the prisoner convicted would be liable according to the Mahomedan law, supposing all the heirs of the slain entitled to prosecute the prisoner for kissaas to have attended and prosecuted him, at an age competent to demand kissaas, and to have demanded kissaas. The futwah of the law officer upon this reference shall be also subscribed on the record of the court's proceedings, and whether the futwah declare the prisoner liable to suffer death, as must be the case in most instances of conviction of wilful murder under the supposed demand of kissaas by the heirs of the slain, or whether it declare the prisoner not liable to capital punishment, from the heirs of the slain not being legally entitled to demand kissaas, or the failure of retaliation from the parties standing in the relation of parent and child, or master and slave, or otherwise, the judge is, in either case, to refer the proceedings for the sentence of the Nizamut Adawlut, conformably to Section XLVII. Regulation IX. 1793. Should the answer of the law officer to the first reference acquit the prisoner of wilful murder, but convict him of homicide, of any one of the four denominations distinguished in the Mahomedan law (viz. shibeh-amd, kutl-khota, kutl-kayeem-mokam-ba-khota, and kutl-ba-subbub), the law officer is to declare the prescribed penalty for the same according to the Mahomedan law; and if his futwah should declare the deyut, or price of blood, to be the whole or part of the legal punishment, the *Court of Circuit* is to commute the fine to imprisonment for such period as it may consider adequate to the offence; and its sentences in such instances, as in all others according to the existing Regulations, are to be carried into execution without reference to the Nizamut Adawlut if for temporary imprisonment, or referred to that court if for imprisonment for life; subject to the general provision contained in Section LIII. Regulation IX. 1793, for referring to the Nizamut Adawlut all trials whereon the *Courts of Circuit* may disapprove of the futwahs of their law officers.

The prisoner to be acquitted and discharged, if declared by the law officer to be not guilty, and the judge approve

In what manner the judge is to proceed, if the prisoner shall be declared convicted of wilful murder.

See Sec. iii. Reg. IV. 1822.

Futwah to be subscribed on the proceedings.

Proceedings to be referred for the sentence of the Nizamut Adawlut, whether the futwah declare the prisoner liable to suffer death, or not subject to capital punishment.

Should the futwah declare the prisoner convicted of homicide, law officer to declare the prescribed penalty.

See Reg VIII 1801.

If deyut be declared the legal punishment, the fine to be commuted to imprisonment.

Sentence to be carried into execution, if for temporary imprisonment.

To be referred to the Nizamut Adawlut, if for imprisonment for life.

General provisions in Sec. liii. Reg IX. 1793, to continue in force.

See Sec vii Reg XVII 1817.

IV. In all cases referred under the foregoing section to the Nizamut Adawlut, the law officers of that court, provided they shall be of opinion that the prisoner is duly convicted of murder, shall write their futwah upon the case referred to the law officer of the *Court of Circuit*, assuming always that all the heirs of the slain entitled to prosecute for kissaas attended and prosecuted at an age which rendered them competent to demand kissaas, and that they demanded kissaas. But if they shall be of opinion that the prisoner is not duly convicted of wilful murder, they are to state their reasons for such opinion, and whether they consider the prisoner altogether innocent, or convicted of homicide under any of the four denominations distinguished by the Mahomedan law, adding, in the

In what manner the law officers of the Nizamut Adawlut are to deliver their futwahs.

In what manner they are to deliver their futwah, should they be of opinion that the prisoner is not convicted of wilful murder.

latter case, the legal penalty to which the prisoner is liable: and the Court of Nizamut Adawlut, after considering their futwah so given, with the whole of the proceedings on the case, are either to require further evidence if they see occasion, or to pass such final sentence as may appear consonant to justice and conformable to the Mahomedan law; with the exceptions and modifications which have been, or may be authorized by the Regulations, and subject to the several provisions therein contained. If in any case not provided for by the Regulations, the Mahomedan law appear to the court repugnant to justice, they are notwithstanding to adhere thereto, if in favour of the prisoner, in the case before them, or if against the prisoner [*to recommend a pardon or mitigation of the punishment to the Governor-General in Council*], and at the same time to propose a new Regulation to provide against a recurrence of the case, in the form prescribed by Regulation XX. 1793.*

See Sec. vi. Reg. VI. 1832.

Nizamut Adawlut either to require further evidence or to pass final sentence.

In cases not provided for, the court to adhere to the Mahomedan law, although repugnant to justice, if in favour of the prisoner.

Rescinded by Sec. iii. Reg. XIV. 1810.

If against him, pardon or mitigation of punishment to be recommended to the Governor-General in Council.

New Regulation to be proposed to provide against the recurrence of the case.

V. In consequence of two men of the Sutár caste having been convicted of the murder of five women said to have practised sorcery, a proclamation to the following effect was published in February, 1792, and September, 1794, and is now enacted into a Regulation, conformably to Regulation XLI. 1793.

Proclamation respecting charges of sorcery enacted into a Regulation.

VI. If any person or persons of the Sutár caste, or of any other caste or persuasion, within the Company's provinces or the province of Benares, shall hereafter put any person to death on the ground of his or her being versed in and practising sorcery, or on any other ground, such person or persons, on being convicted of the crime, shall be held guilty of murder, and be invariably punished accordingly; and if any persons shall either actually form themselves into an assembly for the purpose of trying any man or woman on a charge of witchcraft, or on any other charge, or shall cause such assemblies to be held, and any person or persons shall, in consequence, be put to death, they shall be considered as accomplices in the murder, and be dealt with accordingly.

Sutárs or others convicted of putting to death any person as a sorcerer to be held guilty of murder, and punished accordingly.

Persons holding an assembly for the trial of witchcraft to be considered accomplices.

See Reg. X. 1799.

VII. *First.* In the examination of parties and witnesses before the *Courts of Circuit*, and also before the zillah and city magistrates, the following rules, in addition to those already established, are to be strictly attended to.

Rules for the examination of parties and witnesses.

Second. All examinations of parties and witnesses are to be taken down in the language and character in which the person examined may desire to have the same recorded, and such person, whether party or witness, is to be allowed to read the same when finished; or if unable to read, it is to be read to him; after which, if he admit the record to be correct, he is to affix his name or mark to it; and the judge, magistrate, or other officer before whom such examination may have been taken, is to certify the same under his official signature on the original record, as well as on a Persian translation thereof to be annexed to the original examination (in case the same may have been taken down in any other language than the Persian), that the proceedings may be complete for the perusal of the law officers of the *Court of Circuit*, as well as those of the Nizamut Adawlut, in the event of the trials being referred to that court.

See Sec. ii. Reg. X 1799, and Act XXIX. 1837.

Examination to be taken down in the language preferred by the party.

Party to read it or have it read, and if approved to attest it.

Judge to certify it and to annex a translation in Persian.

* The Mahomedan law in respect of murder and homicide is further modified by Regs. VII. 1799, VIII. 1801, XVII. 1817, XII. 1825, and XII. 1829.

Leading questions to be avoided.

Third. In the examination of witnesses, leading questions suggesting an answer, or having tendency to such suggestion, are to be carefully avoided, and the interrogatories to them are to be proposed in such general terms as may bring forth all the information they possess and lead to a discovery of the truth. With this view, the parties are to be allowed to cross-examine the witnesses; and the judge or magistrate should also cross-examine them, when necessary, for the same purpose.

Party and judge to cross-examine.

What the examinations are to specify.

Fourth. All examinations of parties and witnesses, besides the name of the person examined, are to specify the name of his or her father, and if a married woman, the name of her husband, also the religion, caste, profession and age of the party or witness, and the village and pergunnah in which they reside.

In what manner examinations are to be made respecting stolen goods.

Fifth. When any stolen property or instruments of violence, stated to have been found upon the prisoners or in their houses, are produced before the magistrate or *Court of Circuit*, the prosecutor, and any witnesses brought to give evidence thereupon, are to be carefully examined relative to the identity of such property or instruments recognized by them, and the circumstances of the same having been found upon the prisoners or in their houses. The principle of this rule is to be further applied in all instances of circumstantial evidence to which it may be applicable.

Rule to be applied to circumstantial evidence.

Admonition to be read to witnesses.

Sixth. With a view to impress upon the witnesses the necessity of caution and accuracy in delivering their evidence, it shall be the duty of the Mullah-koranee, or of the Brahmin, to repeat aloud to them, in the language which they best understand, the following admonition, immediately after they shall have been *sworn* respectively, viz. "In delivering your evidence under the *oath* now administered, you are required to declare the truth, the whole truth, and nothing but the truth. You are carefully to distinguish what you personally know as an eye-witness, or otherwise, from what you may have heard from others; and are solemnly bound to answer all questions put to you on the trial before the court, without any regard to the prosecutor or prisoner, to the best of your information and belief."

Court of Circuit to notice any variations in the depositions of the same witnesses.

Depositions taken before the magistrates not to be read until the witnesses shall have been re-examined.

Seventh. The *Courts of Circuit* are to be careful to notice on their proceedings any material differences between the depositions of the same witnesses before them and the magistrates, and are to question the witnesses thereupon and record their answers; but the depositions taken before the magistrates are not to be read before the *Court of Circuit* in the presence of the persons who gave the same, until they shall have been re-examined before the *Court of Circuit.*

VIII. [Provision for the absence of the law officer of the Court of Circuit.]—*Superseded by the abolition of the law officer.*

IX. [Instructions to darogahs and tehseeldars in cases of unnatural death.]—*Rescinded by Clause First, Section II. Regulation XX.* 1817.

X. [Nizamut Adawlut authorized to transport convicts sentenced to imprisonment for life, or for seven years.]—*The latter rule rescinded by Clause First, Section VIII. Regulation LIII.* 1803; *the former superseded by Acts XIV.* 1844, *and X.* 1847.

XI. [Branding by godeua.]—*Rescinded by Act II.* 1849.

See Sec. vii. Reg. VII. 1831.

XII. The judges *of the Courts of Circuit, on their return from each circuit*, are to transmit to the Nizamut Adawlut a report containing such observations as they may have made *during the circuit*, regarding the effect of the present system for administering the criminal laws, in the prevention and punishment of crimes; as well as respecting the state of the gaols, the treatment and employment of the prisoners, and such other matters as they may think deserving the notice of the court. Any new *Regulations*, however, which the *judges of circuit* may deem advisable, are to be proposed in the manner and form prescribed by *Regulation XX.* 1793.*

Judges after each circuit to report their observations on the effect of the system; to report the state of the gaols and other particulars.

Any new *Regulation* which may appear necessary to be proposed as required *by Reg. XX.* 1793.

See Reg. X. 1799, and Sec. xvii. Reg. II. 1801.

XIII. The *Courts of Circuit* are already required by Section LVIII. Regulation IX. 1793, to transmit to the Nizamut Adawlut copies and English translates of their proceedings on the trial of all prisoners whom they may sentence to suffer death, or who may, in their opinion, be deserving of capital punishment, within ten days after the trial is completed, or as much earlier as from the state of business may be practicable. They are further directed, in the transmission of trials to the Nizamut Adawlut, to give a preference, as far as practicable, to those trials on which the prisoner or prisoners may have been sentenced to capital punishment, or may be liable to suffer such under the Regulations; *and whenever the other duties of their register and assistants will not admit of their preparing the translates of trials referrible to the Nizamut Adawlut with the requisite expedition, they are authorized to employ any person or persons possessing an adequate knowledge of the language to make the translates, and to settle with them such compensation for their trouble in translating each trial as may be considered equitable, regulating the amount according to the number of sheets, or in such other mode as they may judge best calculated to prevent any undue charge, and transmitting to the Governor-General in Council a monthly contingent bill for the expense. The judge of circuit before whom the trial may have been held is, however, in all instances to examine and attest the translation, and will be held responsible for its accuracy.*

Superseded by Secs. xvii. and xviii. Reg. II. 1801.

Rule in addition to Sec. lviii. of Reg. IX. 1793.

Courts of Circuit, if practicable, to transmit those trials first to the Nizamut Adawlut on which the prisoners have been sentenced to capital punishment or may incur it.

In cases of emergency, Court of Circuit authorized to employ persons properly qualified to translate trials referrible to the Nizamut Adawlut.

Manner of settling the compensation to be allowed.

Contingent bill to be transmitted to the Governor-General in Council.

The judge of circuit to attest, and to be responsible for the translation.

XIV. The *Courts of Circuit*, in the transmission of their proceedings to the Nizamut Adawlut, are to be guided by such forms and instructions as they may receive from that court.

Court of Circuit to be guided by the instructions of the Nizamut Adawlut respecting the transmission of their proceedings.

* Under Sections 52, 53, and 54, of the Statute 3 & 4 Wm. IV. cap. 85, the duty of suggesting alterations in the laws devolves upon the Law Commissioners.

A.D. 1797. REGULATION V.

Reg. V. 1797.

A REGULATION *for preventing the Offence of Dhurnah in the Provinces of Bengal, Behar, and the Company's Territories in Orissa:* PASSED *by the Vice-President in Council, on the 24th March,* 1797.

[Rescinded by Section II. Regulation VII. 1820.]

Reg. VI. 1797.

A.D. 1797. REGULATION VI.

A REGULATION *for abolishing Regulation XXIII.* 1793, *entitled, "A Regulation for raising an Annual Fund for defraying the Expense of the Police Establishments entertained under Regulation XXII.* 1793;" *and for establishing new Fees on the Institution and Trial of Suits, in lieu of those prescribed by Regulation XXXVIII.* 1795; *and for levying a Stamp Duty on certain Law and other Papers and Documents, and a Per-centage on the Fees of the authorized Pleaders in the Courts of Civil Judicature, in the Provinces of Bengal, Behar, Orissa, and Benares:* PASSED *by the Vice-President in Council, on the* 10*th April,* 1797.

I. BY Regulation XXIII. 1793, it was enacted that the annual expense of the police establishments in the several zillahs and cities in the provinces of Bengal, Behar, and Orissa, should be defrayed, under certain rules specified in the said Regulation, by the native merchants, traders, and shop-keepers, who either resided or had houses of trade, golahs, or shops, in any town or village, or in any gunge, bazar, or haut, or elsewhere. Difficulties, however, have been experienced in determining what persons were liable to be charged with the tax under the said Regulation, and also in fixing the amount to be assessed on the towns, bazars, and other places respectively, and the proportion to be paid by the several contributors residing or having commercial concerns therein; and frauds and exactions have in consequence been committed by the assessors and collectors, to the vexation of the contributors as well as to the diminution of the produce of the tax. The Vice-President in Council has therefore resolved to abolish this tax; and with a view further to discourage the preferring of litigious complaints, and the filing of superfluous exhibits and the summoning unnecessary witnesses on the trial of suits, and also to provide for the deficiency which will be occasioned in the public revenue by the abolition of the police tax, as well as to add eventually to the public resources, without burthening individuals, he has resolved to substitute new fees on the institution and trial of suits, in the room of the fees established by Regulation XXXVIII. 1795, and likewise to establish stamp duties on certain original deeds or papers, and all copies of deeds or papers which may be prepared and attested by the cauzies or their officers, or the mufties, and on all pleadings in the Courts of Civil Judicature, and on all copies of papers furnished by the said courts, and the board and the collectors of the revenue, and on all rowannahs issued from the department of the customs, and on certain written obligations for the payment of money, and on the sunnuds of appointment granted to cauzies and authorized pleaders in the Courts of Judicature, with a per-centage on the fees paid to the latter. The following rules have been accordingly enacted, and are to be considered in force in the four provinces from the date of their receipt in the several City and Zillah Courts.

Reg. XXIII. 1793, abolished.

II. *First.* Regulation XXIII. 1793, is hereby declared to be rescinded, from the date on which this Regulation may be received in the Zillah and

City Courts, respectively, in the provinces of Bengal, Behar, and Orissa; and the collectors in the said provinces are thereon to withdraw the officers employed in the assessment or collection of the tax, and to discontinue all demands or collections on account of it.

Second. The produce of the lands, and the allowances resumed or resumable, under Clause Fourth, Section VIII. Regulation I. 1793, being still applicable towards defraying the expense of the police, are to be carried to the public account towards discharging the same, as heretofore.

Produce of lands and allowances applicable to the police to be carried to the public account, as heretofore.

III. [Institution fees to be levied by moonsifs.]—*The first three clauses rescinded by Section II. Regulation XXIII.* 1814, *and the fourth superseded by the abolition of moonsifs' fees by Section XII. Regulation V.* 1831.

IV. to XXX. [Fees and stamps.]—*Rescinded by Section II. Regulation I.* 1814.

A.D. 1797. REGULATION VII.*

Reg. VII. 1797.

A REGULATION *for abolishing the Office of Commissioner at Backergunge, and establishing another Court of Dewanny Adawlut in the Districts at present comprised in the Zillah of Dacca Jelalpore; and for reserving to the Governor-General in Council the Power of increasing the Rates of the Duty on Stills, specified in Section VI. Regulation XXXIV.* 1793, *in the Provinces of Bengal, Behar, Orissa, and Benares:* PASSED *by the Vice-President in Council, on the* 17*th April,* 1797.

I. To accelerate the decision of civil suits in the districts now comprised in the zillah of Dacca Jelalpore, which from the great extent of the zillah have been found too numerous for one court to determine with sufficient expedition, and to provide for the more effectual administration of justice in the Sunderbunds and the districts adjacent, heretofore included in the jurisdiction of the commissioner at Backergunge, who was invested with the powers of magistrate but was not authorized to exercise any civil jurisdiction; and for the better regulating the duty on stills for the manufacture of spirituous liquors in the four provinces, in instances in which the rates specified in Section VI. Regulation XXXIV. 1793, may be found disproportioned or otherwise objectionable, the following rules have been enacted.

II. The office of commissioner at Backergunge is hereby abolished, and the districts at present comprised in the zillah of Dacca Jelalpore, including the Sunderbunds, shall be formed into two zillahs, *the northern division to be denominated the Zillah of Dacca Jelalpore,* and the southern division, the zillah of Backergunge. The boundaries of the two zillahs shall be

Backergunge commission abolished, and an additional court established in the districts at present comprised in Dacca Jelalpore.

* The zillah of Dacca Jelalpore was united with Dacca and constituted the zillah of Dacca by Regulation V. 1833.

determined by the Governor-General in Council. A Dewanny Adawlut, superintended by one judge, shall be established in *each* zillah, with the same powers as the other Courts of Dewanny Adawlut. *The judge of each court shall likewise be vested with the office of magistrate, with the same powers as the magistrates of other zillahs.* The court so established *for the northern division* shall be denominated "*The Court of Dewanny Adawlut for the zillah of Dacca Jelalpore;*" *and the court* for the southern division, "The Court of Dewanny Adawlut for the division of Backergunge." *The half-yearly gaol deliveries for the zillah of Backergunge shall be held at Backergunge, by the Court of Circuit for the division of Dacca, in the same manner as they have been heretofore held under the Regulations, whilst the powers of magistrate were exercised by the commissioner at Backergunge.*

Half-yearly gaol deliveries how to be held for Backergunge.

Station of the Dacca Jelalpore court to be removed, and rule respecting the half-yearly gaol deliveries.

III. *The Governor-General in Council will, at his discretion, remove the station of the Court of Dacca Jelalpore from the city of Dacca to some more centrical situation, to be hereafter determined, and the Court of Circuit for the division of Dacca shall hold the half-yearly gaol deliveries at such station, when the court shall be removed thereto, during the half-yearly circuit; and the rule contained in Section IV. Regulation III.* 1797, *requiring them to proceed to the station of Dacca Jelalpore immediately after their return to their sudder station, is hereby declared to be rescinded, as soon as such removal shall have taken place.*

Superseded, see note.

IV. [Modification of a rule regarding stills in Section VI. Regulation XXXIV. 1793.]—*Regulation XXXIV.* 1793, *rescinded by Section II. Regulation X.* 1813.

Reg. VIII. 1797.

A.D. 1797. REGULATION VIII.

A REGULATION *for rendering Prosecutions instituted for the Recovery of Losses sustained by Theft and Robbery in the Province of Benares, cognizable in the Courts of Civil Judicature; and for ascertaining the Responsibility in such Cases of Tehseeldars of Places held khaum in the said Province; and for transferring the Nomination of the Pleaders for Government in the several Courts of Judicature, from the Sudder Dewanny Adawlut to the Governor-General in Council:* PASSED *by the Governor-General in Council, on the 26th May,* 1797.

I. PROSECUTIONS instituted under Regulation XVII. 1795, against tehseeldars or aumils to recover losses sustained by theft and robbery, and by tehseeldars against the landholders and farmers for indemnification, having been held to be cognizable in the magistrate's court; and it being judged expedient that such prosecutions should in future be filed and decided in the courts of civil jurisdiction, and doubts having arisen whether tehseeldars of places held khaum are to be held answerable for losses by robbery and theft; and whereas by Section XXIII. Regulation VII. 1793,

the nomination of the pleaders for Government in the several Courts of Judicature in the four provinces is vested in the Sudder Dewanny Adawlut, and it being consistent with the principles of the Regulations that these pleaders should be nominated by the Governor-General in Council, as exercising the executive authority, in the same manner as other parties in suits appoint their pleaders, the following rules have been enacted, and are to be in force from the date of the receipt of this Regulation in the respective courts.

All prosecutions against tehseeldars, and by tehseeldars against landholders and farmers, under Sec. iii. Reg. XVII. 1795, declared cognizable in the Dewanny Courts.

II. All prosecutions instituted against *tehseeldars or aumils** under Section III. Regulation XVII. 1795, to recover losses sustained by theft and robbery in the province of Benares, and all prosecutions by tehseeldars and farmers for indemnification, when they have been made answerable in the first instance, shall be filed and decided in the Dewanny Courts, subject to all the rules provided by the existing Regulations for other civil suits cognizable in the said courts.

III. [Responsibilities of the tehseeldars of places held khaum.]—*Superseded by Section II. Regulation XIV.* 1807.

IV. V. [Appointment of pleaders for Government.]—*Rescinded by Section II. Regulation XXVII.* 1814.

* Tehseeldars were released from the duties of officers of police by Sec. ii. Reg. XIV. 1807.

A.D. 1797. REGULATION IX.

Reg. IX. 1797.

A REGULATION *for imposing an additional Duty of Fifteen per Cent. on foreign Indigo imported into the Company's Provinces by the Way of Benares or Behar:* PASSED *by the Governor-General in Council, on the* 11*th August,* 1797.

[Rescinded by Section II. Regulation IX. 1810.]

Reg. X. 1797.

A.D. 1797. REGULATION X.

A REGULATION *for requiring all Licenses for the Manufacture or Vend of spirituous Liquors or intoxicating Drugs, in the Provinces of Bengal, Behar, Orissa, and Benares, and also certain Complaints punishable by the magistrates in the three Provinces of Bengal, Behar, and Orissa, to be written on stamped Paper; and for exempting in the four Provinces, Persons taking out Rowannahs for Goods not exceeding in Value ten Rupees, and also Persons to whom maafy Rowannahs may be granted, from the Payment of the Stamp Duties:* PASSED *by the Governor-General in Council, on the* 11*th August*, 1797.

[Rescinded by Section II. Regulation I. 1814.]

Reg. XI. 1797.

A.D. 1797. REGULATION XI.

A REGULATION *for amending the Form of Bond to be executed by British Subjects or others not amenable to the Zillah and City Civil Courts, on their instituting Suits in such Courts; and for prescribing a Form of Bond to be executed by the Sureties of Defendants in the above Courts:* PASSED *by the Governor-General in Council, on the* 13*th October*, 1797.

II. [Security bond to be executed by British subjects when plaintiffs.] —*Superseded by Act XI.* 1836.

III. [Security bond for defendants.]—*Superseded by Section II. Regulation II.* 1806.

Reg. XII. 1797.

A.D. 1797. REGULATION XII.

A REGULATION *for the further Limitation of Appeals to the Court of Sudder Dewanny Adawlut in Suits for Personal Property; and for altering and explaining Part of the existing Rules for Appeals to that Court, and to the Provincial Courts of Appeal:* PASSED *by the Governor-General in Council, on the* 27*th October*, 1797.

[The provisions of this Regulation are entirely superseded by the rules enacted in Regulation V. 1831, and Act IV. 1850.]

A.D. 1797. REGULATION XIII.*

Reg. XIII. 1797.

A REGULATION *for the occasional Exercise of Judicial Powers by the Assistants to the Zillah and City Magistrates, in the Provinces of Bengal, Behar, Orissa, and Benares:* PASSED *by the Governor-General in Council, on the 27th October,* 1797.

I. BY Section VII. of Regulation XIII. 1793, and Section VI. of Regulation IV. 1796, the registers and assistants to the Zillah and City Courts, civil and criminal, are required to perform all such ministerial acts as may be prescribed to them by the judges and magistrates, consistently with the Regulations; but are restricted from the exercise of judicial powers, civil or criminal, except in cases wherein they may be expressly authorized to exercise such powers, by some Regulation passed on, or subsequent to the 1st May, 1793, and printed and published in the manner directed in Regulation XLI. 1793. Regulations, so passed and published, have accordingly determined the judicial powers to be exercised in certain cases by the registers of the Civil Courts; but (excepting Regulation IV. 1796, which provides for the absence, death, or indisposition of the magistrate) no Regulation has yet been passed to authorize the exercise of such powers by the assistants to the Criminal Courts; with a view, therefore, to expedite the business of these courts, and to enable the magistrates to employ their assistants in such manner as may be most conducive to the due administration of criminal justice, the Governor-General in Council has passed the following rules, to be considered in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date on which this Regulation may be received by the several courts respectively.

See Secs. xx. and xxi. Reg. IX. 1807; Sec. vii. Reg. XVI. 1810, and Sec. ii. Reg. III. 1821.

Zillah and city magistrates authorized to employ their assistants in the execution of any part of their duties to which they cannot themselves duly attend.

II. The zillah and city magistrates are authorized to employ their assistants in the execution of such part of their prescribed duties as, from the extent of their general business or other cause, they may be unable to give due attention to themselves; provided that, previous to any such assistant's entering upon the exercise of judicial authority, he shall take and subscribe before the magistrate the following oath, corresponding to that prescribed to the magistrates by Section II. of Regulation IX. 1793.

See Act XXI. 1837.

Oath to be taken by such assistants previous to exercising judicial powers.

"I, A. B., assistant to the magistrate of the zillah (or city) of ———, solemnly swear, that I will to the best of my ability assist the said magistrate in preserving the peace of the zillah (or city) over which his authority extends; that I will act with impartiality and integrity, and will not exact or receive, nor knowingly allow any other person to exact or receive, directly or indirectly, any fee, emolument, or reward whatsoever, in the execution of any matter relating to the duties of my office, excepting such as the orders of the Governor-General in Council do or may expressly authorize; and that I will perform the duties of my office according to the best of my knowledge, abilities, and judgment, conformable to the Regu-

* The Governor-General in Council is empowered by Sec. ii. Reg. III. 1821, to vest specially in assistant magistrates enlarged powers of trial and punishment.

lations that have been or may be passed by the Governor-General in Council: So help me God."

Assistants sworn as above authorized to exercise the judicial powers vested in the magistrates, as far as necessary for the performance of the duties committed to them.

III. The assistants to the city and zillah magistrates who may have taken and subscribed the foregoing oath are authorized to exercise the judicial powers vested in the magistrates by Regulation IX. 1793, or by any other Regulations printed and published in the manner directed in Regulation XLI. 1793, as far as may be necessary to enable them to perform the duties committed to them respectively by the magistrates with whom they are stationed, under the provision to that effect in Section II. of this Regulation.

Assistants exercising judicial powers under this Regulation to be guided in every respect by Regulations enacted for the guidance of the magistrates.

IV. In all instances wherein the assistants to the zillah and city magistrates may exercise any judicial powers under this Regulation, they are to be guided in every respect by Regulation IX. 1793, and such other Regulations as have been or may be hereafter enacted for the guidance of the magistrates, as far as the same may be applicable to the duties committed to them respectively.

Reg. XIV. 1797.

A.D. 1797. REGULATION XIV.

A REGULATION *for empowering the Court of Nizamut Adawlut to extend Relief to certain Prisoners sentenced to Deyut and pecuniary Fines, or to restore stolen Property, or the Value of it, and to remain in Confinement until the Completion of their Sentences; also for preventing Sentences of the same Nature in future; and for drawing the Distinction between the Courts of Civil and Criminal Jurisdiction more clearly and obviously:* PASSED *by the Governor-General in Council, on the* 10*th November*, 1797.

I. WHEREAS several persons convicted of crimes and misdemeanors have been sentenced by the late Naib Nazim, the late Criminal Courts in the province of Benares, and the former and present Courts of Circuit within the provinces of Bengal, Behar, Orissa, and Benares, to the payment of deyut, to restore stolen property, or the value of it, to pecuniary compensation and damages to their prosecutors, and fines to Government, and to remain in confinement until the completion of such sentences; and in many of these cases, the sentences, from the inability of the prisoners to comply with the terms of them, must, if left to take their course, unavoidably operate as sentences of imprisonment for life, or for a period greatly out of proportion to the offences committed, and much beyond the probable intention of the courts by which they were passed, and no mode for the relief of prisoners in this predicament is provided by the Regulations now in force; and whereas it has been judged expedient to vest the Court of Nizamut Adawlut with powers to grant relief to the said prisoners, and further to prevent the recurrence of similar sentences, and also to mark more obviously and clearly the distinction between the Courts of Civil and Criminal Jurisdiction, the following provisions have been enacted, to be in

force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of the receipt of this Regulation by the several courts respectively.

II. [Provision for relief of prisoners under sentence of deyut in former Criminal Courts.]—*Operation ceased.*

Modified by Act XVI. 1850.

III. *First.* After the promulgation of this Regulation, no pecuniary compensations nor sums as damages shall be adjudged to, or be recoverable by individuals in any criminal prosecution; nor shall any fines be imposed by any Court of Criminal Jurisdiction, save and except to the use of Government; and whenever a fine to the use of Government shall be imposed, the court which may pass the sentence shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment, to be held as equivalent to the fine, at the expiration of which the persons convicted shall be discharged, although they should have omitted to pay the fine. The imprisonment awarded by the *Courts of Circuit* under this section, as an equivalent for fines imposed by them, shall be temporary in all cases, and not for life, and their sentences shall be executed without reference to the Nizamut Adawlut.

Pecuniary compensations and sums as damages to individuals not in future to be recoverable in, nor to be adjudged by the Criminal Courts, and no fines to be imposed but to the use of Government, with a definite period of imprisonment to be held as equivalent to the fines imposed.

Second. [Foregoing rule applicable to sentences passed under Section IV. Regulation V. 1797.]—*The Regulation referred to rescinded by Regulation VII.* 1820.

See Sec. vii. Reg. XVII. 1817.*

IV. Whenever the law officers *of the Courts of Circuit* shall declare prisoners liable to deyut or pecuniary fines of any kind, for any other acts than murder and the several descriptions of homicide specified in Section III. Regulation IV. 1797, the *Courts of Circuit* shall, at their discretion, commute such deyut or fines to imprisonment, for such period as they may think adequate to the offence, and their sentences in such instances shall be carried into execution without reference to the Nizamut Adawlut, if for temporary imprisonment, or referred to that court, if for imprisonment for life, which shall, at its discretion, confirm the said sentences, or mitigate or entirely remit the imprisonment awarded.

Courts of Circuit empowered in certain cases to commute sentences for deyut and fines to imprisonment for a term or for life; but when for life, their sentences referrible to the Nizamut Adawlut.

See Sec. xix. Reg. IX. 1807.

V. In all cases in which the magistrates shall impose fines, the imprisonment to be fixed by them as equivalent to the fines, under Section III. of this Regulation, shall not exceed the periods specified in Sections VIII. and IX. of Regulation IX. 1793.

The term of imprisonment fixed by the magistrate under Sec. iii. as equivalent to fines, not to exceed the periods specified in Secs. viii. and ix. Reg. IX. 1793.

See Act XVI. 1850.

VI. The *Courts of Circuit* being deprived by this Regulation of the power of awarding pecuniary compensations to parties injured, Section XXII. of Regulation IX. 1793, which provides that the magistrate, in his capacity of civil judge, shall cause the sentences of the *Courts of Circuit* awarding such compensations to be carried in execution, according

Sec. xxii. Reg. IX. 1793, necessarily repealed by this Regulation.

* In the section referred to the same power is given to the Courts of Circuit in respect of sentences of imprisonment in commutation of deyut in cases of murder and homicide as is here given to the same court in like sentences for "any other acts." It is declared by Sec. vii. Reg. XVII. 1817, that the power given in Sec. iii. Reg. IV. 1797, is limited to imprisonment for seven years, but such limitation is not there declared to apply to the present section, although here, as well as there, reference is directed to be made to the Nizamut Adawlut only when the sentence extends to imprisonment for life.

to the rules, and by the process prescribed for enforcing his decisions in the Court of Dewanny Adawlut, is necessarily repealed.

This Regulation not to prevent the restitution of stolen goods produced before the magistrates and *Courts of Circuit*. Magistrates and darogahs to use all diligence to recover stolen property, and the latter to search houses and premises for that purpose.

VII. Nothing contained in this Regulation shall be construed so as to prohibit the restitution to the lawful owners of stolen property, recovered and produced before the magistrates and *Courts of Circuit*, and the magistrates and darogahs are hereby enjoined to use all diligence to recover stolen property, and the latter are authorized and required to make strict search in any houses or premises, in which, on the oath of the parties robbed or other credible information, they may suspect such property to be concealed. See Sec. 30, Reg. XX. 1817

This Regulation also not meant to restrict a reimbursement of costs in particular instances.

VIII. Provided further, that nothing in this Regulation shall be understood to restrict the Criminal Courts from adjudging a reimbursement of costs actually incurred, upon a prosecution before them, by either of the parties thereto, in particular instances, wherein they may consider such reimbursement just and equitable.

Reg. XV. 1797.

A.D. 1797. REGULATION XV.

A REGULATION *for levying certain Fees to defray the Expense of the Offices for keeping the Records in the native Languages which relate to the public Revenue, established under Regulations XXI.* 1793, *and XXX.* 1795: PASSED *by the Governor-General in Council, on the 24th November*, 1797.

I. REGULATIONS XXI. 1793, and XXX. 1795, directing the appointment of keepers of the revenue records in the native languages, these officers have been nominated accordingly; but the Governor-General in Council deeming it reasonable that the individuals, whose rights and property may derive additional security from this institution, should contribute towards defraying the expense attending it, the following rules have been enacted, to be in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of the receipt of this Regulation in the several districts respectively.

Fees to be levied by the collectors on registry of the division or union of estates or lands.

On estates paying revenue, four annas per cent. on the annual jumma.

II. *First.* Fees, at the following rates, shall be levied by the collectors of the revenue on the registry of any division or union of an estate or estates, or of lands held exempt from the payment of revenue:

Second. On any division of an estate, or union of estates, paying revenue to Government, that may take place under Regulations [*XXV.* 1793, *or XXVI.* 1795], at the rate of one-quarter or four annas per cent. on the annual jumma of revenue payable to Government from the property included in the union or division. Substitute Reg. XIX. 1814

On estates exempt from payment of revenue, two and a half per cent. on the annual produce.

Third. On any division of lands exempt from the payment of public revenue, or any union of such lands, forming originally part of the same grant, made by the proprietor or proprietors of the grant, at the rate of

two and a half per cent. on the amount of the annual produce of the property included in the union or division.

III. *First.* Fees, at the following rates, shall be levied by the collectors on the registry of any transfer of the whole or the part of an estate or estates, or lands held exempt from the payment of revenue, by deed of sale, or gift, or otherwise:

Fees to be levied on the registry of transfers of land.

Second. If the estate shall be subject to the payment of revenue to Government, one quarter, or four annas per cent. on the annual jumma or revenue payable to Government from the property transferred.

On lands paying revenue, one quarter per cent. on the annual jumma.

Third. If the lands shall be held exempt from the payment of revenue to Government, two and a half per cent. on the amount of the annual produce of the lands transferred.

On lands exempt from payment of revenue, two and a half per cent. on the annual produce.

IV. Throughout this Regulation, by the annual jumma payable to Government is to be understood the amount of the revenue payable to Government for the year in which the division, union, or transfer, may be registered, according to the permanent settlement; or the engagements of the farmers, if the lands be farmed; or the estimated receipts, if no settlement of the lands shall have been concluded on the part of Government, either with the proprietors or with farmers: and by the annual produce of lands held exempt from the payment of revenue, is to be understood the amount of the rents received and receivable by the proprietor or the possessor of the lands, on account of the year preceding the year in which the division, union, or transfer, may be registered; and the person in possession of such accounts shall be bound to produce them on a written requisition from the collector, and shall be subject, for non-compliance therewith, to the payment of such daily fine until the accounts be produced, as the Board of Revenue may think proper to impose, on a consideration of the situation and circumstances in life of the party.

What is to be considered the annual jumma payable to Government:

and what the annual produce of lands exempt from payment of revenue.

Mode of compelling the production of accounts to ascertain the annual produce.

Penalty for non-compliance.

V. The amount of the fees and the fines leviable under this Regulation shall be payable to the collector on his demand; and if not discharged, shall be leviable by the same process as the payment of arrears of revenue due to Government may be enforced.

Fees and fines how to be levied.

VI. No person shall be liable under this Regulation to the payment of a greater sum than one hundred *sicca* rupees, on account of any transfer of an estate, or part of an estate, or of lands held exempt from the payment of revenue; or any division of an estate, or the union of any estates, or of lands held exempt from the payment of revenue; and accordingly, when the fee on any such transaction would, calculating according to the rates above prescribed, amount to a greater sum than one hundred *sicca* rupees, the excess above that sum shall not be demanded or received.

Fees not to exceed one hundred *sicca* rupees in any one instance.

VII. The fees on the division of any estate, or the union of estates paying revenue to Government, leviable under Section II. of this Regulation, shall be paid, on the registry of the same, by the party or parties who are bound to pay the charges attending the division of estates, under the rules prescribed in Regulation [*XXV.* 1793, *or XXVI.* 1795 (*according to the province in which the lands may be situated*)], and in the same propor-

Fee prescribed by Sec. ii. by whom to be paid.

Substitute Reg. XIX. 1814.

tions. If the property divided or united be lands held exempt from the payment of revenue, the fees shall be paid by the parties in whose names the property may be registered, in the proportion of their respective interests therein.

Fee prescribed by Sec. iii. by whom to be paid.

VIII. The fees on the transfer of landed property, by deed of sale, or gift, or otherwise, leviable under Section III. shall be paid by the party to whom the property may be transferred, on the transfer being entered in the public registers of lands.

Fees to be carried to the credit of Government, and collectors to grant receipts.

IX. All sums which may be received by the collectors under this Regulation shall be carried to the account of Government, and the collectors are required to grant receipts to the parties for the amount which may be paid by them respectively.

Reg. XVI. 1797.

A. D. 1797. REGULATION XVI.

A Regulation *respecting Appeals from the Court of Sudder Dewanny Adawlut to his Most Excellent Majesty and his Most Honourable Privy Council:* Passed *by the Governor-General in Council, on the 24th November*, 1797.

I. By Section XXIX. Regulation VI. 1793, the decrees of the Sudder Dewanny Adawlut are declared final, with respect to the local jurisdictions referred to in that Regulation; which, however, had no reference to the appeal to his Majesty in Council, allowed by the 21st section of the statute 21 George III. cap. 70, in the following terms: "And whereas the Governor-General in Council, or some committee thereof or appointed thereby, do determine on appeals and references from the Country or Provincal Courts in civil causes; be it further enacted, that the said court shall and lawfully may hold all such pleas and appeals, in the manner, and with such powers as it hitherto hath held the same; and shall be deemed in law a Court of Record; and the judgments therein given shall be final and conclusive, except upon appeal to his Majesty in civil suits only, the value of which shall be five thousand pounds and upwards." No rules having been prescribed respecting the appeals authorized by the statute above quoted, and it being necessary to establish such, as well for the information of the parties who may be desirous to appeal from decrees of the Sudder Dewanny Adawlut to the King in Council, as for the guidance of that court in receiving and forwarding the appeals presented to them under the above authority, the Governor-General in Council has referred to the provisions made for the appeal to the King in Council, under his Majesty's charter for erecting the Supreme Court of Judicature at this presidency, as well as to the rules and orders framed by the said Supreme Court of Judicature and approved by his Majesty in Council, as provided by his charter aforesaid; and after due consideration of the said pro-

visions, rules, and orders, has resolved, that the following rules relative to appeals to the King in his Privy Council against decisions passed by the Court of Sudder Dewanny Adawlut shall be in force until his Majesty's pleasure be known thereupon, from the 1st January, 1798, corresponding with the 20th Poose, 1204, Bengal era; the 28th Poose, 1205, Fussily; the 20th Poose, 1205, Willaity; the 28th Poose, 1854, Sumbut; and the 13th Rejeb, 1212, Higeree.

See Order in Council annexed.

II. All persons desirous of appealing from a judgment of the Court of Sudder Dewanny Adawlut to the *King* in Council, under the authority for this purpose contained in the 21st section of the statute 21 George III. cap. 70, are required to present their petition of appeal to the Court of Sudder Dewanny Adawlut, either themselves or through one of the authorized pleaders of that court duly empowered to present such petition in their behalf, within six calendar months from the date on which the judgment appealed against may have been passed; under which provision, and provided also the judgment appealed against shall, exclusive of costs of suit, be to the value of *five thousand pounds* (to be calculated as hereafter mentioned), the Court of Sudder Dewanny Adawlut are to admit the appeal, and proceed upon it as directed in the following sections of this Regulation, under the several restrictions therein prescribed.

Petitions of appeal to the *King* in Council shall be presented to the Sudder Dewanny Adawlut within six months; and

such appeal to be admitted, provided the judgment appealed against shall, exclusive of costs, amount to £5,000 sterling.

Substitute 10,000 Company's rupees.

III. *For the purpose of determining what causes are appealable to his Majesty in Council, under the limitation of five thousand pounds and upwards, the pound sterling shall be computed at the rate of ten current rupees, being about the medium of the usual rates of exchange, and consequently making five thousand pounds equivalent to fifty thousand current rupees, or (excluding fractions) sicca rupees forty-three thousand one hundred and three. Under this computation,* the value of the property constituting the subject of the judgment appealed against is to be determined according to the nature of such property, whether land, money, effects, or otherwise, according to the general rules prescribed in like cases for determining the value of the same property, when constituting the cause of action in the Sudder Dewanny Adawlut, and the several Civil Courts subordinate thereto.

Appealable sum to be computed at the rate of ten current rupees per pound sterling.

Superseded by H.M. Order in Council annexed.

Value of property to be computed according to the general rules prescribed in like cases for the guidance of the Sudder Dewanny Adawlut.

See Secs. iii. iv. and v. Reg. V. 1798.

IV. In cases of appeal to *his* Majesty in Council, the Court of Sudder Dewanny Adawlut may either order the judgment passed by them to be carried into execution, taking sufficient security from the party in whose favour the same may be passed, for the due performance of such order or decree as *his* Majesty, *his* heirs or successors, shall think fit to make on the appeal, or to suspend the execution of their judgment during the appeal, taking the like security, in the latter case, from the party left in possession of the property adjudged against him: but in all cases security is to be given by appellants, to the satisfaction of the Sudder Dewanny Adawlut, for the payment of all such costs as the said court may think likely to be incurred by the appeal, as well as for the performance of such order or judgment as *his* Majesty, *his* heirs or successors, may think fit to give thereupon: and after receiving such security, the Court of Sudder Dewanny Adawlut are to declare the appeal admitted, and to give notice thereof to the appellant and respondent respectively, that they may take measures, the one to prosecute, the other to defend the cause in appeal

The court may either order their judgment to be carried into execution, taking security from the party in whose favour the decree may have been passed to abide the event of the appeal;

or suspend the execution, taking the like security from the party left in possession.

Appellants in all cases to give security for payment of costs, and for the performance of the final order or judgment on the appeal.

Appeal to be declared admitted on receiving such security, and notice to be given

to the parties to prosecute and defend the same according to the established mode of proceeding.

before *his* Majesty in Privy Council, according to the established mode of proceeding in similar cases.

In all cases of appeal, two copies of all proceedings to be prepared in English, and transmitted, under the official seal and signature of the register, to the Governor-General in Council, to be forwarded to *his* Majesty in Council

V. In all cases wherein the Sudder Dewanny Adawlut may admit an appeal to the *King* in Council, they are to cause two exact copies to be made of all the proceedings held, and judgments or orders given in the case appealed, including the whole of the evidence and documents (translated into English, if the original documents be in any of the country languages), and are to transmit the same as soon as prepared, under their official seal and the signature of their register, to the Governor-General in Council, for the purpose of being forwarded by the first secure and separate conveyances to *his* Majesty in Council. The register to the Sudder Dewanny Adawlut shall also, on the application of the appellant or respondent, furnish him or them with one or more copies of the proceedings held, and judgments or orders passed in the case appealed, provided they respectively agree to defray such expense as may be incurred thereby; but not otherwise: and the register is not to deliver such copies, when prepared, without the previous payment of the expense incurred thereby, the amount of which is to be carried to the credit of Government, by whom the necessary expenditure on this account will be made in the first instance.

See Acts XI 1839, and II. 1844

The parties also to be furnished with copies of the proceedings on application, provided they agree to pay the expense of preparing the same

Copies of any local Regulation under which the judgment may have been passed, or which may have been referred to, to accompany the proceedings

VI. In case the judgment appealed from shall have been passed in pursuance of any local Regulation or Regulations enacted by the Governor-General in Council, or in case any such Regulation shall have been referred to in the judgments passed by any of the courts, wherein the cause appealed from may have been tried and decided, a copy of such Regulation or Regulations, or an extract therefrom containing all that has reference to the matter at issue, shall be annexed to the several copies of the proceedings prepared in conformity to the preceding section, whether for delivery to the parties or for transmission to *his* Majesty in Council.

Nothing herein contained to be understood to bar the exercise of *his* Majesty's pleasure upon all appeals to *him*, either in rejecting or admitting such as he may think proper under the statute.

VII. Provided always, that nothing in this Regulation is to be understood to bar the full and unqualified exercise of *his* Majesty's pleasure upon all appeals to him from the decisions of the Sudder Dewanny Adawlut, either in rejecting any he may consider inadmissible under the statute respecting such appeals, or in receiving any *he* may judge admissible, notwithstanding the provisions made in this Regulation; which has reference to the local jurisdiction only, and particularly to that of the Sudder Dewanny Adawlut, as a necessary rule for their guidance, subject in the whole of its provisions to the ultimate determination of *his* Majesty in Council.

NOTE.—It is declared by the Act 8 & 9 Vict. cap. 30, sec. ii. that any appeal admitted in India after 1st January, 1846, shall be considered to be abandoned and withdrawn, unless some proceedings shall be taken IN ENGLAND in the same by one or more of the parties thereto, within two years after registration at the Council Office of the arrival of the transcript.

APPENDIX (A).

ORDER IN COUNCIL *of the 10th April, 1838, made pursuant to 3 & 4 Wm. IV. c. 41, for regulating Appeals from the Supreme and Sudder Dewanny Courts in the East Indies, Prince of Wales Island, Malacca, and Singapore.*

Whereas, by an Act passed in the fourth year of the reign of his late Majesty King William the Fourth, intituled, "An Act for the better Administration of Justice in His Majesty's Privy Council," it is amongst other things enacted, that "it shall be lawful for his Majesty in Council from time to time to make any such rules and orders as may be thought fit, for the regulating the mode, form, and time of appeal to be made from the decisions of the Courts of Sudder Dewanny Adawlut, or any other Courts of Judicature, in India or elsewhere, to the eastward of the Cape of Good Hope (from the decisions of which an appeal lies to his Majesty in Council), and in like manner from time to time to make such other regulations for the preventing delays in the making or hearing such appeals, and as to the expenses attending the said appeals, and as to the amount or value of property in respect of which any such appeal may be made:" and whereas his said late Majesty did, by his Order in Council, on the 16th day of January, 1836, approve certain rules and orders for regulating the mode, form, and time of appeal from the decisions of the said Courts of Sudder Dewanny Adawlut, and also certain regulations for the preventing delays in the making or hearing of such appeals, and as to the expenses attending such appeals; and the said rules, and orders, and regulations were set forth in certain schedules, A. and B., to and by the said Order in Council of the 16th of January annexed and approved: and whereas his said late Majesty did, by his further Order in Council made on the 10th day of August, 1836, alter and amend the said schedule B., by cancelling the rule No. 5 of the said schedule B. so approved as aforesaid, and ordering that, in lieu of the said fifth rule thereof, a certain other rule in such last-mentioned order set forth should be substituted:* and whereas the Queen's most excellent Majesty in Council hath deemed it expedient to cancel and rescind all the said rules, orders, and regulations, and to make and substitute others in lieu thereof:— 3 & 4 Wm. IV. c. 41, sec. 24.

Her Majesty is therefore pleased, by and with the advice of her Privy Council, to cancel and rescind all the said rules, orders, and regulations in the said recited Orders in Council of the 16th day of January, 1836, and 10th day of August, 1836, respectively contained, and thereby or by either of them approved, and to approve of the several rules, orders, and regulations contained in the schedule hereunder written or hereunto annexed, and to order, as it is hereby ordered, that the same be respectively observed by her Majesty's Supreme Courts of Judicature at Fort William in Bengal, Fort St. George, and Bombay respectively, by the Court of Judicature of Prince of Wales Island, Singapore, and Malacca, and by the said several Courts of Sudder Dewanny Adawlut, and all other Courts of Judicature in the territories under the government of the East-India Company, and by all persons whom it shall or may concern. Whereof the Governor-General and the Council of India, the Governor of Fort William in Bengal, the Governor in Council at Fort St. George, the Governor in Council at Bombay, the Governor of Agra, the chief justice and the judges of her Majesty's Supreme Court of Judicature at Fort William aforesaid, the chief justice and judges of her Majesty's Supreme Court of Judicature at Fort St. George, the chief justice and judges of her Majesty's Supreme Court of Judicature at Bombay, the Court of Judicature of Prince of Wales Island, Singapore, and Malacca, the judges of the several Courts of Sudder Dewanny Adawlut in the East Indies, and the judges of all other Courts of Judicature in the territories under the government of the East-India Company, and all other persons whom it may concern, are to take notice and govern themselves accordingly. Orders of 16th Jan. and 10th August, 1836, rescinded, and rules contained in the annexed schedule enacted in their stead.

(Signed) C. C. GREVILLE.

THE SCHEDULE ABOVE REFERRED TO.

1. That from and after the 31st day of December next, no appeal to her Majesty, her heirs and successors in council, shall be allowed by any of her Majesty's Supreme Courts of No appeal to be allowed unless petition presented within six

* The rules contained in these orders were never acted on.

months after the judgment, decree, or decretal order, and the matter in dispute amount to Rs. 10,000.

Judicature at Fort William in Bengal, Fort St. George, Bombay, or the Court of Judicature of Prince of Wales Island, Singapore, and Malacca, or by any of the Courts of Sudder Dewanny Adawlut, or by any other Courts of Judicature in the territories under the government of the East-India Company, unless the petition for that purpose be presented within six calendar months from the day of the date of the judgment, decree, or decretal order complained of, and unless the value of the matter in dispute in such appeal shall amount to the sum of ten thousand Company's rupees at least; and that, from and after the said 31st day of December next, the limitation of five thousand pounds sterling heretofore existing in respect of appeals from the Presidency of Fort William in Bengal shall wholly cease and determine.

Amount certified on the proceedings, to be conclusive.

2. That in all cases in which any of such courts shall admit an appeal to her Majesty, her heirs and successors in council, it shall specially certify on the proceedings that the value of the matter in dispute in such appeal amounts to the sum of ten thousand Company's rupees or upwards; which certificate shall be deemed conclusive of the fact, and not be liable to be questioned on such appeal by any party to the suit appealed.

Power reserved to the Crown to grant leave to appeal, notwithstanding the above rules.

3. Provided nevertheless, that nothing herein contained shall extend, or be construed to extend, to take away, diminish, or derogate from the undoubted power and authority of her Majesty, her heirs and successors in council, upon the petition at any time of any party aggrieved by any judgment, decree, or decretal order of any of the aforesaid courts, to admit an appeal therefrom upon such other terms, and upon and subject to such other limitations, restrictions, and regulations as her Majesty, her heirs and successors, shall in any such special case think fit to prescribe.

Notice to be given by the Court of Directors of the East-India Company to the clerk in Council on the arrival of the transcripts.

4. That on the arrival of the transcripts of proceedings in an appeal to her Majesty, her heirs and successors in council, from any of the said Courts of Sudder Dewanny Adawlut, or any other courts in the East Indies constituted by the East-India Company, or any of their governments from which an appeal lies to her Majesty in Council, such officer of the East-India Company as the Court of Directors of the said Company shall from time to time appoint, shall forthwith give notice to the clerk of the council thereof, stating at the same time the names of the parties to the appeal, and the date of the decree appealed from, and that such notice shall be duly registered in the council office.

The original transcripts to be kept at the India House; the agents on both sides having access thereto, and liberty to take copies, and originals to be produced at the hearing.

5. That the said transcripts of proceedings shall be kept at the East-India House, or at such other convenient place within the cities of London or Westminster as the said Court of Directors shall from time to time appoint; the agents respectively conducting and defending such appeals in this country being at liberty to take all the necessary copies and extracts from the said proceedings, and to examine the same from time to time; and it shall be the duty of such officer, by himself or his sufficient deputy, to produce the original transcripts before the Judicial Committee, upon the hearing of such appeal, upon due notice for that purpose previously given, and upon all other occasions when thereunto required by the Privy Council or the Judicial Committee.

If petition of appeal not lodged within three months, or appellant's case within one year, the respondent may move to dismiss for want of prosecution: if respondent's case not brought in within one year, appellant may move to hear ex parte.

6. That in default of the petition of appeal of the appellants being lodged in the council office within three calendar months from the registration of the arrival of such transcripts, or in default of the appellant's case being carried in within one year from the time of such registration, the respondent shall be entitled in either case to move to dismiss the appeal for want of prosecution; and in the event of the respondent's not bringing in his case within one year from the time of such registration, the appellant shall be entitled to apply to have the case heard ex parte.

(Signed) C. C. GREVILLE.

A.D. 1797. REGULATION XVII.

Reg. XVII. 1797.

A REGULATION *for authorizing the Courts of Circuit to inflict a perpetual Stigma, in certain Cases, upon Witnesses convicted of wilful and corrupt Perjury:* PASSED *by the Governor-General in Council, on the* 1*st December,* 1797.

[Rescinded by Section II. Regulation II. 1807.]

A.D. 1797. REGULATION XVIII.

Reg. XVIII. 1797.

A REGULATION *for authorizing the Judge of Zillah Chittagong to refer Suits for Landed Property, in certain Cases, to the Native Commissioners acting in that Zillah as Referees under Regulation XL.* 1793: PASSED *by the Vice-President in Council, on the* 8*th December,* 1797.

[Rescinded by Section II. Regulation XXIII. 1814.]

A.D. 1797. REGULATION XIX.

Reg. XIX. 1797.

A REGULATION *for empowering the Provincial Courts of Appeal to require the Zillah and City Courts to furnish Translations of the Proceedings held therein, in Causes appealed to the Sudder Dewanny Adawlut; and for providing for the Translation of the Papers and Proceedings in such Causes, when the same cannot be made in due Time by the Registers and Assistants to the respective Courts:* PASSED *by the Vice-President in Council, on the* 15*th December,* 1797.

I. CONSIDERABLE delay having frequently arisen in completing the translates of the proceedings in causes appealed to the Sudder Dewanny Adawlut, owing chiefly to the Provincial Courts of Appeal being required by the existing rules to furnish translates, not only of their own proceedings, but also of those of the Zillah or City Courts in which the cause may have been originally heard; and it being deemed proper that the Zillah and City Courts should furnish the translates of their own proceedings in such causes, both from their being necessarily more competent to certify the accuracy of the translates and for the purpose of expediting them; and, with a view to promote the last-mentioned object, it being deemed

advisable that provision should be made for the translation of the papers and proceedings, when the same cannot be made in due time by the registers and assistants to the Provincial, Zillah, and City Courts, the following rules have been enacted, and are to be in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of the receipt of this Regulation by the several courts respectively.

Sec. xxxi. Reg. V. 1793, rescinded.

II. Section XXXI. Regulation V. 1793, is hereby rescinded.

III. [Translates of proceedings in causes appealed.]—*Rescinded by Section XIX. Regulation II.* 1801.

IV. [Translations of papers required by the Sudder Adawlut to be prepared by the registers of the Provincial and Zillah Courts.]—*Superseded by the abolition of the office of register, and by the provisions of Section XVIII. Regulation II.* 1801.

V. [Rates of payment for translations.]—*Repealed by Act VII.* 1842.

Reg. I. 1798.

A.D. 1798. REGULATION I.

A REGULATION *to prevent Fraud and Injustice in conditional Sales of Land under Deeds of Bye-bil-wuffa, or other Deeds of the same Nature:* PASSED *by the Vice-President in Council, on the 9th January,* 1798.

Preamble.

I. IT has been long a prevalent practice in the province of Behar to borrow money on the mortgage and conditional sale of landed property, under a stipulation that if the sum borrowed be not repaid (with or without interest) by a fixed period, the sale shall become absolute. This species of transfer has, in the above province, been usually denominated bye-bil-wuffa; and the same transaction is common in Bengal, under an instrument termed kut-cubbaleh. It doubtless exists, also, under deeds of the above or similar denominations, in Orissa and Benares: and since the promulgation of the rules respecting interest contained in Regulation XV. 1793, it has become more prevalent; particularly in the province of Behar, wherein instances have occurred in which persons lending money on bye-bil-wuffa, in order to render the sale absolute, and thereby possess themselves of the landed property of the borrower, have denied the tender, or evaded receiving payment of the money due to them within the period limited for the discharge of it. In such cases, the proof of the tender falls on the borrower; and if he fail in the proof of it for want of legal evidence, he is liable to lose his estate. It is necessary, therefore, for the security of the borrower, in such transactions, that he should have the means of establishing before a Court of Judicature his having tendered, or being ready to pay, within the stipulated period, the amount due from him to the lender; who, if he mean to act fairly, will also derive a benefit from a

clear rule being laid down, whereby it may be readily ascertained whether the borrower was willing to redeem his property by the payment of the money lent upon it within the period agreed upon between the parties, or whether, from his having omitted to perform the conditions of such redemption, the sale is become absolute, and the property included therein finally transferred to the lender. For the above purpose, and for the prevention of other abuses in the transactions referred to, the Governor-General in Council has passed the following rules, to be considered in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of the receipt of this Regulation by the several courts respectively.

See Secs. vii. and viii. Reg. XVII. 1806.

II. In all instances of the loan of money on bye-bil-wuffa, or on the conditional sale of landed property, as explained in the preamble to this Regulation, however denominated, the borrower, who may be desirous to redeem his land by the payment of the money lent upon it, with any interest due thereon, within the stipulated period, is at liberty, on or before the date stipulated, either to tender and pay to the lender the amount due to him, taking such precautions as he may think necessary to establish such tender and payment, if evaded or denied, or without any tender to the lender, to deposit the amount due to him, on or before the stipulated date, in the Dewanny Adawlut of the city or zillah in which the land may be situated; and the judge receiving the same shall furnish the party with a written receipt for the amount, specifying on what date, and for what purpose such deposit may have been made. He shall also, at the same time, cause a written notice of such deposit to be delivered to the lender; and on the application of the latter, and his surrender of the conditional bill of sale, or showing satisfactory cause why it cannot be surrendered, shall pay him the amount deposited, and take his acknowledgment, to remain among the records of the court. That there may be no doubt to what amount the deposit in question is to be made, it is required to be as follows. When the lender has not obtained possession of the lands, the deposit is to be the principal sum lent, with the stipulated interest thereon, not exceeding the legal rate of twelve per cent. per annum; or if interest be payable and no rate has been stipulated, with interest at the established rate of twelve per cent.; but if the lender has held possession of the land, the principal sum borrowed only need be deposited, leaving the interest to be settled on an adjustment of the lender's receipts and disbursements during the period he has been in possession. In either case, a deposit made as above required, shall be considered to preserve to the borrower his full right of redemption; and if the land be in the possession of the lender, shall entitle him to demand the immediate recovery thereof, subject to the adjustment of accounts specified in the following section. Provided, however, that if the borrower in any case shall deposit a less sum than above required, alleging that the sum so deposited is the total amount due to the lender for principal and interest, after deducting the proceeds of the lands in his possession, or otherwise, such deposit shall be received, and notice given to the lender as above directed; and if the amount so deposited be admitted by the lender, or be established, on investigation, to be the total amount due to him, the right of redemption shall be considered to have been fully preserved to the borrower, who will not, however, in such cases, be entitled to the recovery

Persons who have borrowed money on a conditional sale of land, and who may be desirous of redeeming the land by payment of the money lent upon it, how to proceed for this purpose.

May, within the stipulated period, either tender and pay the amount due to the lender, or deposit the same in the local Dewanny Adawlut.

Receipt to be given by the judge for such deposit.

Notice to be given to the lender, and payment to be made to him, under restrictions.

Specification of the deposit required.

Rights of the borrower preserved by making the required deposit.

Proviso, with respect to deposits less than above required, if alleged to be the total amount due.

Such deposits to be also received; and to preserve the borrower's rights, if admitted or established to be the total amount due.

of his lands, until it be admitted or established that he has paid the full amount due from him.

When the lender has possessed the land, and an adjustment of accounts may be necessary, he is to account for the proceeds of the estate, on the principles prescribed in Reg. XV. 1793.

Exception.

III. In all instances wherein the lender on a bye-bil-wuffa, or similar conditional sale, may have been put in possession of the land, and an adjustment of accounts may consequently become necessary between him and the borrower, the lender is to account to the borrower for the proceeds of the estate whilst in his possession, on the principles prescribed with regard to mortgages and interest in Regulation XV. 1793, as far as the same may be applicable to the nature of the case. But such part of Section X. of the above Regulation as directs that the mortgages therein referred to are to be considered as cancelled and redeemed, whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property, or otherwise liquidated by the mortgagee, being inapplicable to the conditional sales referred to in this Regulation, it is hereby declared not to apply thereto.

Teeps not to be considered a legal tender in cases referred to, unless accepted by the lender.

Such acceptance how to be proved.

IV. A teep for the repayment of money lent on the conditional sales referred to in this Regulation shall not be considered a legal tender, unless accepted as such by the lender; the proof of which acceptance shall be the lender's giving up the bill of sale, or given a written acknowledgment that he has received back the money lent by him.

Nothing in this Regulation to alter the contract between the parties.

And all questions of right to be regularly determined by the Civil Courts.

V. Nothing in this Regulation being intended to alter the terms of contract settled between the parties in the transactions to which it refers (illegal interest excepted), the several provisions in it are to be construed accordingly; and any question of right between the parties is to be regularly brought before and determined by the courts of civil justice.

Reg. II. 1798.

A.D. 1798. REGULATION II.

A Regulation *for authorizing a Review of Causes decided by the Civil Courts in certain Cases; and for explaining Parts of Regulations IV. V. and VI.* 1793: Passed *by the Vice-President in Council, on the 9th February,* 1798.

I. By the existing Regulations no authority is vested in the Civil Courts of Judicature to revise their proceedings after judgment has been passed by them; nor can the ends of justice require such review in cases open to appeal, as in all such cases any errors or other defects in the trial may be remedied by the usual course of appeal: but in cases wherein the Regulations do not allow an appeal, although the exercise of an unqualified power of revision, with a view to reconsider the grounds of the decision, would tend to depreciate the value of property held under the decrees of the courts of justice, and be otherwise liable to many serious objections, particular cases may occur, in which it would be proper and

necessary that the Civil Courts should have the power of revising their proceedings, for the purpose of correcting incidental errors not affecting the principle of the decision, or even for amending the principle of the decision, if it should subsequently appear erroneous, either on the face of the decree, or on the discovery of new matter or evidence which could not be had or used at the time when the decree was passed. Other substantial reasons may also occur to render a revision just and necessary; which, as they cannot be all foreseen and provided for, must be left to the discretion and judgment of the courts before whom the proceedings on the case may have been held, subject, however, to the judgment and control of the superior Court of Sudder Dewanny Adawlut, that the grounds on which a review is granted, as well in that court as in the several Provincial, Zillah, and City Courts, may be uniform, and that it may not in any instance be allowed without due deliberation and circumspection. Further, as doubts have arisen respecting the meaning and intention of parts of Section XV. of Regulation IV. 1793, Sections VIII. and XII. of Regulation V. 1793, and Sections IV. V. and X. of Regulation VI. 1793, to remove such doubts, and to provide for the revision of causes decided in the cases above referred to, the Governor-General in Council has enacted the following rules, to be considered in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of the receipt of this Regulation by the several courts respectively.

II. III. [Reviews of judgment.]—*Rescinded by Clause First, Section IV. Regulation XXVI.* 1814.

Explanation of Sec. xv. Reg. IV. 1793, and Sec. iii. Reg. VIII. 1795.

IV. By Section XV. of Regulation IV. 1793, and Section III. Regulation VIII. 1795, the judges of the Zillah and City Courts are directed to decide (in certain suits therein referred to) according to the Mahomedan or Hindoo laws, and the Mahomedan and Hindoo law officers of the court are required to attend to expound these laws; by which it was evidently intended that the law officers attached to the several Civil Courts should expound the law in the cases referred to in the above sections, and that the judges should be guided by such exposition in all common cases wherein they might have no reason to doubt the accuracy of it: but in particular cases wherein they might entertain such doubt, either from the objections of the parties, founded on other law opinions exhibited by them, or from a reference to the known books of Mahomedan or Hindoo law, or from whatever cause, if the judge or judges trying the suit should consider the exposition given by their immediate law officer insufficient, it was not meant to preclude them from obtaining a further exposition from the law officers of the superior courts, by a reference of the case to them through the judges of these courts, as has been the occasional practice in some of the courts, and is now declared to be at the discretion of all the Zillah, City, *and Provincial* Courts, whenever they may deem such reference necessary for the purposes of justice. It is at the same time to be observed, that the above courts are not authorized to refer any point of law to individuals not acting in a public capacity, and to whom, consequently, no responsibility attaches; although there is no objection to any of the courts receiving law opinions, quoting or referring to authorities tendered to them by the parties during the trial of the suit in support of

Intended that the law officers of the several Civil Courts should expound the law, and that the judges should be guided by their exposition in common cases.

But not in particular cases wherein they might have reason to doubt the accuracy of such exposition.

In such cases, a further exposition of the law from the officers of the superior courts not meant to be precluded.

But the courts are not authorized to refer any point of law to individuals not acting in a public capacity.

Though they may receive law opinions tendered to them by the parties, and if deemed

proper, refer them to their law officers or those of the superior courts.

their claims, and if the courts shall deem it proper so to do, referring them to their own law officers or those of the superior courts, to enable them to determine on their due weight and application to the case.

Sec. viii. of Reg. V. 1793, and Clauses 2, of Secs. iv. and v. Reg. VI. 1793, explained.

Above section and clauses rescinded, and the three following sections substituted for them

V. It was not intended by Section VIII. of Regulation V. 1793, or by the Second Clauses of Sections IV. and V. of Regulation VI. 1793, to require the *Provincial* Courts or Sudder Dewanny Adawlut to enter into the merits of the cases therein referred to; but the terms of the above section and clauses having been understood to admit some doubt on this head, they are hereby rescinded, and the three following sections are substituted for them respectively.

Cases in which the *Provincial Courts* may receive petitions respecting suits or matters depending or decided in any *Zillah or City* Court, and how to proceed with such petitions.

VI.* The *Provincial Courts* are empowered to receive any petitions respecting suits or matters that may be depending, or have been decided in any *Zillah or City* Court within their respective jurisdictions; and provided it shall be proved to their satifaction that the petition was presented, or that due means were used to effect its being presented to the judge, and that he refused or omitted to receive it and proceed on it, or in the last-mentioned case, that undue means were used by any of the officers of the court to prevent the petition being presented, the court are empowered to issue a precept, under the seal of the court *and attested by the register*, commanding the judge to receive the petition, and to proceed respecting it according to the Regulations.

Cases in which the Sudder Dewanny Adawlut may receive petitions respecting suits or matters depending or decided in any *Zillah or City* Court, and how to proceed with such petitions.

VII.* The Sudder Dewanny Adawlut are vested with authority to receive any petitions respecting suits or matters that may be depending, or have been decided, in any *Zillah or City* Court; and provided it shall be proved to their satisfaction that the petition was presented to the judge of such court, and that he refused or omitted to receive it and proceed on it, and that the complainant applied to the *Provincial Court of Appeal of the division*, and that such court omitted or refused to grant the precept specified in Section VI. of this Regulation, the court are empowered to issue a precept, under the seal of the court and attested by the register, commanding the judge to receive the petition, and to proceed respecting it according to the Regulations.

Cases in which the Sudder Dewanny Adawlut may receive petitions respecting appeals or matters depending or decided in any *Provincial Court*, and how to proceed in such cases.

VIII.* The Sudder Dewanny Adawlut are vested with authority to receive any petitions respecting appeals or matters that may be depending, or have been decided in any *Provincial Court of Appeal*, and provided it shall be proved to their satisfaction that the petition was presented to the *Provincial Court* and that they refused or omitted to receive it, the court are empowered to issue a precept, under the seal of the court and attested by the register, commanding the *Provincial Court* to receive the petition, and proceed respecting it according to the Regulations.

* The provisions of Sections vi. vii. and viii., touching the reception of petitions by the superior courts on matters depending in the courts subordinate to them respectively, must now be understood to apply to the courts now existing in the same relation to each other, the Sudder Dewanny Adawlut, Zillah Court, Principal Sudder Ameen, Sudder Ameen, and Moonsif.

IX. Section XII. of Regulation V. 1793, and Section X. of Regulation VI. 1793, contain each a clause, that in all cases of appeal the party appealing is to give good and sufficient security, in such sum as the court receiving the appeal may deem proper, upon a consideration of the amount or value of the property or thing decreed (provided that the security so to be taken be not in any case for a greater sum than five hundred rupees), for the payment of the costs that the Court of Appeal may judge it proper to award, and for the performance of the decree which it may pass. The intention of the above clauses not having been fully understood, and the limitation of the security contained in them having been found objectionable, they are hereby rescinded, both in Regulations V. and VI. 1793, and the following section is substituted for them.

Explanation of clauses in Sec. xii. of Reg. V. 1793, and Sec. x. of Reg. VI. 1793, requiring security from the party appealing, for the costs of the appeal and performance of the decree passed thereupon.

Above clauses rescinded, and the following section substituted for them.

Superseded by Act III. 1845.

X. *In all authorized cases of appeal, the party desirous of appealing is, with his petition of appeal, to deliver good and sufficient security for the payment of the costs that may be awarded on the appeal, including the fees of his pleader, in case he shall intend to employ any on his appeal. Without such security, or without proof of inability to find the same, as required with respect to paupers by Regulation XLVI.* 1793, *no appeal shall be admitted; and in like manner as has been declared in Section VI. of Regulation VI.* 1797, *with respect to the fees on appeals prescribed by that Regulation it is hereby declared, that the presenting a petition of appeal without the security required by this section before the expiration of the time limited for appealing, shall not be considered as preserving to the appellant his right of appeal, as far as respects the limitation in question. Provided, however, that if a party appealing, who may declare his intention to prosecute his appeal in person, shall afterwards be desirous to appoint an authorized vakeel to act for him, and with his petition to this effect, or the vakalutnamah appointing such vakeel, shall deliver good and sufficient security for the fees of such pleader, in addition to the security for costs before delivered by him, such further security shall be admitted, and nothing in this Regulation shall be understood to affect the right of appeal in such cases. But no pleader shall, in any instance, be allowed to act in any court until security has been given for his established fees; except under the provisions for paupers contained in Regulation XLVI.* 1793, *and in the special cases provided for by Regulation XIII.* 1795.

Superseded by Act I. 1846.

Parties desirous of appealing to deliver good security for the costs that may be awarded on the appeal, including fees of pleaders, if it be intended to employ any.

No appeal to be admitted without such security, or proof of inability to find the same.

Presenting a petition of appeal without the required security, before the expiration of the time limited for appealing, declared not to preserve the right of appeal.

But a party declaring his intention to prosecute his appeal in person may afterwards appoint an authorized pleader, with separate security for his fees.

And nothing in this Regulation to affect the right of appeal in such cases.

No pleader, however, to act in any court until security has been given for his fees; except under provision for paupers.

Reg. III. 1798.

A.D. 1798. REGULATION III.

A REGULATION *for establishing annual Vacations of the Civil Courts of Justice; for postponing the Commencement of the half-yearly Gaol Deliveries during such Vacations; and for establishing a fixed Order of Succession in the Gaol Deliveries of the several Zillahs and Cities throughout the Provinces of Bengal, Behar, Orissa, and Benares:* PASSED *by the Governor-General in Council, on the 2nd March,* 1798.

I. THE Hindoo native officers employed in the Courts of Justice, as well as the Hindoo vakeels attached to those courts, being in general solicitous to have leave of absence at the annual festival of the Dussarah, for the purpose of celebrating this festival and at the same time visiting their families, and the Mahomedan officers and vakeels being usually desirous to have leave of absence for similar purposes at the festival of the Mohurrem, the Governor-General in Council has judged it advisable to authorize a general adjournment of the Civil Courts at the periods of the above festivals; in allowing which, he has it further in view to enable such of the judges and registers as may require temporary leave of absence from their stations for any private purpose, to apply for the same at a period when the adjournments of the Civil Courts may admit of it, with less public inconvenience than when both the Civil and Criminal Courts are open; and in consequence of the opportunity thus given them to apply for leave of absence during the fixed vacations, it is expected they will not make such applications at any other period, except in cases of indispensable necessity. The Governor-General in Council further adverting to the hardship which particular prisoners might sustain, from the half-yearly gaol deliveries in the several divisions of the Courts of Circuit not being made successively in the same order, whereby the prisoners at one station would be liable to be kept in confinement for trial much longer than at another where the gaol delivery should follow more speedily, has resolved to establish a fixed order of succession for the gaol deliveries of the several zillahs and cities throughout the provinces; and, in consequence of the little benefit found to attend the mode of holding the gaol deliveries for the cities of Dacca, Moorshedabad, and Patna, and the zillahs of Dacca Jelalpore, Moorshedabad, and the Twenty-four Pergunnahs, prescribed in Section IX. Regulation VII. 1794, from the Courts of Circuit being occupied in holding the gaol deliveries of the other zillahs, at the same time that considerable interruption to the magistrates in the discharge of their duties might be expected from the more frequent sittings of the Courts of Circuit, the Governor-General in Council considers it advisable to extend the rule for half-yearly gaol deliveries, which has been prescribed for the other zillahs throughout the provinces, to the zillahs and cities above mentioned. He has accordingly enacted the following rules, comprehending the several objects above adverted to, which are to be considered in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of the receipt of this Regulation by the several courts respectively.

See Sec. x. Reg. I. 1806.

II. The *Provincial*, Zillah, and City Civil Courts, shall be annually adjourned during the Hindoo festival called Dussarah, which occurs in the Bengal month Assin or Kartick, corresponding with the English month September or October; and also during the Mahomedan festival Mohurrem, which depending on the lunar year is not fixed to any particular month. The former adjournment (or Dussarah vacation) shall commence ten days before this festival, and continue for the period of one month of thirty days: the latter adjournment (or Mohurrem vacation) shall commence five days before this festival, and continue for fifteen days. Under this rule, when the time of the two festivals may coincide, the vacations also will of course be blended, and no separate adjournment will be necessary: except as far as the fixed period for the one may extend beyond that of the other; as when part of the Mohurrem vacation only may fall within the period fixed for the Dussarah vacation; or on the other hand, when part of the latter only may fall within the period of the former.

Provincial, Zillah, and City Courts, to be annually adjourned at the Dussarah and Mohurrem.

Periods fixed for the two vacations.

III. The Court of Sudder Dewanny Adawlut are authorized to adjourn that court during the periods of the two vacations above mentioned, or otherwise, as they may judge proper.

Sudder Dewanny Adawlut may adjourn that court, or not, as they may judge proper.

IV. to VII. [Gaol deliveries by Courts of Circuit.]—*Superseded by the abolition of the Courts of Circuit.*

A.D. 1798. REGULATION IV.

Reg. IV. 1798.

A Regulation *prescribing Rules to be observed in summoning the Officers of the Salt Chokies:* Passed *by the Acting Governor-General in Council, on the 4th May,* 1798.

[Rescinded by Section II. Regulation X. 1819.]

A.D. 1798. REGULATION V.

Reg. V. 1798.

A Regulation *for the further Limitation of Appeals to the Court of Sudder Dewanny Adawlut; for providing further Security during Appeals in certain Cases; and for explaining and amending certains Parts of the existing Regulations relative to the Fee payable to Government on the Institution of Suits in the Civil Courts, and the Fees of the Pleaders in those Courts; also for discontinuing the Records of decided Causes, required by Sections X. and XIV. of Regulation XVIII.* 1793: Passed *by the Governor-General in Council, on the 5th July,* 1798.

I. By Section II. Regulation XII. 1797, the decrees of the Provincial Courts are declared final to the amount of five thousand sicca rupees, in

suits for money or personal property only. This limitation has been found insufficient to answer effectually the purposes thereby intended; and the experience which the Provincial Courts have now had in the investigation of suits for land and other real property, renders it no longer necessary to continue the distinction heretofore made in appeals, between personal property and its equivalent value in real property. The security, also, required from appellants by Section II. of Regulation XIII. 1796, though in most instances adequate to secure the party who may have obtained a judgment in his favour, either in a Zillah or City Court or in a Provincial Court of Appeal, from any ultimate loss, in consequence of the suspension of the execution of the decree during the appeal, may from unforeseen delay in the decision in some cases, and particularly where the judgment is for lakheraj land, be insufficient for the purposes required. Doubts, likewise, have been entertained, whether the fees on the institution of suits, fixed by Section IV. Regulation VI. 1797, are intended to be levied on summary suits instituted under Regulation XLIX. 1793, and Regulations XIV. and XXXV. 1795, as well as how far the decisions of the Zillah and City Courts in such summary suits are subject to an appeal to the Provincial Courts of Appeal, and ultimately to the Sudder Dewanny Adawlut. Further, certain parts of Regulation VII. 1793, respecting fees of pleaders, and the mode of calculating such fees, have been found not sufficiently explicit and otherwise defective; and it has also been found, that the complete record of decided causes, required by Sections X. and XIV. Regulation XVIII. 1793, cannot be duly kept up without a very considerable annual expense; in consideration of which, and as the necessity of such record is in a great measure done away by Section XIII. Regulation V. 1793, and Section XI. Regulation VI. 1793 (whereby the Zillah, City, and Provincial Courts, are required to keep authenticated copies of all original papers transmitted by them in appeal), the Governor-General in Council considers it expedient to discontinue the record in question. For this purpose, therefore, and to remedy the defects and obviate the doubts above noticed, as well as to make the further provisions herein-after stated, the following rules have been enacted, to be considered in force from the time of their promulgation (except where otherwise specially provided) in the provinces of Bengal, Behar, Orissa, and Benares.

II. [Decrees of Provincial Courts extended in respect of real property to five thousand rupees—final].—*Superseded by the abolition of the Provincial Courts.*

Courts of Appeal may, in particular cases, require further security during appeals, if, on application of the parties, the security taken appear insufficient.

III. Notwithstanding the appellants, in causes depending before the Sudder Dewanny Adawlut and the *Provincial Courts of Appeal*, may have entered into the security required of them by Section II. of Regulation XIII. 1796, those courts are authorized, in cases wherein, from delay in the decision, the security so given may appear insufficient, on the application of the respondent or respondents in all such cases, to require any additional security which they may deem necessary to secure the party who may have obtained a judgment in his favour, from any loss by the non-execution of such judgment during the appeal; and in default of such further security being given within a reasonable period, to be fixed for that purpose, the courts are empowered to direct the judgment in question

In default of such further security being given by appellants, the judgment to be executed.

to be carried into execution, in like manner as if no security had been given by the appellant; provided that, in such cases, good and sufficient security, as prescribed by the Regulations, to be given by the respondent, previous to his being put in possession of the property in litigation.

Provided the prescribed security be given by the respondent.

IV. In all instances wherein the plaintiff in a Zillah or City Court may obtain a judgment in his favour for land or other real property, and the defendant appealing therefrom to a *Provincial Court* may be left in possession of the property, under the security prescribed by the Regulations, any private transfer of such property by sale, gift, or otherwise, or any mortgage thereof which might be made by such appellant during the appeal to the *Provincial Court*, or during a further appeal to the Court of Sudder Dewanny Adawlut, would, in the event of the judgment against him being confirmed on the appeal, be of course, and is hereby declared to be, null and void: but as malguzarry lands (lands assessed with the public revenue) are in all cases, by whomsoever possessed, held answerable for the public revenue assessed thereon, and as, according to the general rules established for the collection of the public revenue, such lands, and also lakheraj lands, and other property appertaining to the same estate, may become liable to sale by Government, from the neglect of the party in possession to discharge the revenue due therefrom, by which sale, in cases of appeal, the party to whom the property of the lands is ultimately adjudged might notwithstanding be deprived of it, unless he purchased the same at the public sale; to obviate all doubt respecting the right of the party making the purchase in such cases, it is hereby declared, that whenever any land or other property, for which a judgment may have been obtained in any of the established courts of justice, but which, during an appeal from such judgment by the party cast, may be left in the possession of the appellant, shall, while such appeal is pending, or before the ultimate judgment thereon be put in execution, be sold by Government to make good an arrear of the public revenue due from the appellant, and shall be purchased by the respondent, the party so purchasing, in the event of such property being finally adjudged to him on the appeal, shall be entitled to recover from the appellant, so left in possession, the full amount of his purchase-money, and of all expenses attending the purchase so made by him, with interest thereon at the rate of twelve per cent. per annum, in addition to any other sum which may be adjudged due to him on account of the profits arising from the land, or other property in question, anterior to the sale. It is further declared, that in the case above supposed, if the respondent shall not have purchased the land or other property sold by Government to make good an arrear of public revenue due from the appellant left in possession thereof, and if the ultimate judgment on the appeal be in favour of such respondent, he shall be entitled to recover from the appellant left in possession the amount of the purchase-money paid for the property so sold and adjudged to the respondent, with interest thereon at the rate of twelve per cent. per annum, in addition to any other sum which may be adjudged to him on account of the profits arising from the property so sold anterior to the sale of it; unless the property in question shall have been directly or indirectly purchased by the appellant himself, or in his behalf, at the public sale; in which case, on clear proof thereof being made by the respondent to whom such property may be ultimately adjudged, he shall

Any private transfer or mortgage of land, or other real property, during appeals, declared null and void, in the event of the judgment against such property being confirmed on the appeal.

See Sec. xiii. Reg. XXVI. 1814.

Provision for the public sale of the property adjudged in such cases on account of the public assessment.

See Cl. 4, Sec. xi. Reg. XIII. 1808.

Rights of respondent in such cases, who may purchase the property sold by Government, and ultimately adjudged to him on the appeal.

Rights of respondent in such cases, who may not purchase the property sold by Government, and ultimately adjudged to him on the appeal.

be entitled to the possession thereof, and to all profits arising therefrom, as may be directed by the decree in the case, notwithstanding the fictitious sale supposed.

Principles of the preceding section declared to extend to all similar cases, whether the original plaintiff or defendant, or the appellant or respondent, be left in possession of the property during an appeal to the *Provincial Courts*, or to the Sudder Dewanny Adawlut, or to the *King* in Council.

V. The principles of the rules contained in the two preceding sections are to be considered equally applicable to cases in which the plaintiff in a Zillah or City Court may be put in possession of land, or other property adjudged to him, during an appeal, in consequence of the defendant's failing to give security for staying the execution of the decree as required by the Regulations; and generally, to all cases in which the possession of property may be transferred by the decree of any court of justice, from which decree an appeal may be depending in a superior court, whether a *Provincial Court of Appeal*, or the Court of Sudder Dewanny Adawlut, or *his* Majesty in Council, in the cases for which an appeal to him is provided by Regulation XVI. 1797, and the Act of Parliament therein recited.

Provision for cases wherein neither the appellant or respondent may be able to give the prescribed security for staying the execution of decrees during appeals.

The collectors, under certain restrictions, to hold the adjudged property in attachment in such cases.

See Sec. vi. Reg. II. 1806.

VI. As cases may occur wherein neither the appellant nor the respondent may be able to give the prescribed security for staying the execution of decrees, or for the execution thereof in favour of the plaintiff, as provided in Section II. of Regulation XIII. 1796, and Section III. of this Regulation, it is hereby enacted, that in all such cases, the property adjudged shall be held in attachment during the appeal, or until such time as one of the parties may be able to give the required security by the collector of the district wherein the land may be situated, at the expense of the party who may be ultimately declared entitled thereto; and under the provisions contained in *Regulation XLV.* 1793, relative to the attachment of lands for sale in pursuance of decrees of the courts of justice, as far as the same are applicable. No attachment, however, is to be made by any collector in the cases herein supposed, until he receive a precept, requiring him to make the same, from the Zillah or City Court wherein the original judgment in the cause may have been passed; which precept shall state specifically the property to be included in the attachment, and shall require the collector to continue the same till ordered to be withdrawn by a further precept from the court, to be issued either on the prescribed security being given by one of the parties, or on the cause being finally determined.

Substitute Act IV. 1846.

VII. [Certain rules of Regulation VI. 1797, respecting institution fees, and of XLIX. 1793, respecting disputed boundaries, modified.]—*The Regulations referred to having been rescinded, this section is inoperative.*

VIII. [How certain fees are to be levied under Regulation VI. 1797.] —*The Regulation referred to having been rescinded by Regulation I.* 1814, *this section is inoperative.*

IX. to XV. [Rules respecting pleaders' fees.]—*Rescinded by Section II. Regulation XXVII.* 1814.

Secs. x. and xiv. of Reg. XVIII. 1793, rescinded.

Judges of the Zillah, City, *and Provincial*

XVI. Sections X. and XIV. Regulation XVIII. 1793, are hereby rescinded. The judges of the Zillah, City, *and Provincial* Courts, are at the same time enjoined to be careful that the registers and books of pro-

ceedings, prescribed in Sections IV. IX. and XIII. of the above Regulation, are duly kept as therein directed; and that due attention be paid to the rules contained in the Regulation in question, for preserving the original records of their respective courts.

Courts, to be careful in observing Secs iv ix. and xiii. of Reg XVIII. 1793, and the rules in that Regulation for preserving their original records.

A.D. 1799. REGULATION I.*

Reg. I. 1799.

A REGULATION *for declaring a general Freedom of Trade in Chunam and other Articles on the Frontier of Sylhet, subject to certain Provisions:* PASSED *by the Vice-President in Council, on the 4th January,* 1799.

I. ON the 8th October, 1790, sundry resolutions were passed by the Governor-General in Council, and published in the Calcutta Gazette, relative to the trade in chunam and other articles on the frontier of Sylhet. These resolutions, with some modifications, are now enacted as a Regulation, which is to be considered in force from the date of its promulgation, and to supersede the resolutions above mentioned.

II. The trade on the frontier of Sylhet with the Cosseas and other mountaineers, as well as with all other persons, is declared free to the native inhabitants of the district of Sylhet, as well as to all other natives of the Company's provinces; and to Armenians, Greeks, and all other persons whatever, not being British-born subjects; as well as to such British-born subjects as may be authorized by a license from Government to reside in the district of Sylhet. Provided, with respect to all descriptions of persons, that the trade be carried on under the general restrictions contained in the following section.

Trade on the frontier of Sylhet declared free to all persons except unlicensed British subjects, under the following restrictions.

III. *First.* [No intercourse to be carried on with the country north-west of the Surmah river.]—*Rescinded by Section II. Regulation II.* 1828.

Second. No person shall supply the Cosseas or other hill people with arms, ammunition, saltpetre, sulphur, or other articles of military store.

Third. No burkundass, or other armed men, belonging to individuals (excepting such as may be indispensably necessary for their personal safety or the security of their property), shall be allowed on any pretence to pass to or beyond Laour, or beyond any other part of the Company's frontier, especially beyond the Surmah river.

The Cosseas, &c. not to be supplied with arms, ammunition, &c.

No armed men, excepting such as may be required for the personal safety of individuals, or for the security of their property, to be permitted to pass the Company's frontier.

IV. The magistrate of the district of Sylhet, and his police officers, are required to cause strict observance of the provisions contained in the foregoing section; and all contraband articles which it may be attempted to pass by any of the frontier stations, against the prohibition contained in

All contraband articles liable to seizure in the attempt to pass the frontier or cross the Surmah river against the prohibitions contained in the foregoing section;

* Such parts of this Regulation as prohibit trade and intercourse with the countries N. W. of the Surmah are rescinded by Regulation II. 1828. The rules respecting the residence of European British subjects are modified by the provisions of 3 & 4 Wm. IV. cap. 85, Cl. 81, and Act XI. 1836.

and to be confiscated for the use of Government.

the second clause, *as well any property whatever which it may be attempted to transport beyond the Surmah river, in opposition to the first clause*, together with all boats, carriages, or cattle, which may be employed for the conveyance thereof, are declared liable to seizure and confiscation for the use of Government. The police officers stationed at Laour and at the other frontier stations are authorized to search all boats, carriages, and carriage-cattle, for the purpose of ascertaining whether they contain any of the above-mentioned contraband articles (detaining them no longer than may be absolutely necessary for this purpose); and if any such be found, they are to seize and send them with the boat, carriage, or cattle used in the conveyance of them, to the magistrate of Sylhet, who shall make a full inquiry into the circumstances of the case; and if he be satisfied that the articles seized are liable to confiscation under this Regulation, shall declare the same confiscated, and report his procedings to the Governor-General in Council, for his orders as to the disposal of the property or otherwise. The magistrate shall also report to the Governor-General in Council any instances of persons, whether British subjects or others, acting in opposition to the third clause of the preceding section, for such orders as may appear necessary; and any British subject or other European, as well as any Armenian, Greek, or other person whatever, not being a native inhabitant of the district of Sylhet, who may be found to have acted in opposition to any part of Section III. of this Regulation, or who may be guilty of any misconduct in his intercourse with the hill people, will be considered to have forfeited all title to remain in the above district, and be liable, at the pleasure of Government, to be sent to Calcutta.

Police officers authorized to search all boats, &c; and in case of finding contraband articles, to send them to the magistrate, who may declare them confiscated, and report his proceedings to Government.

Magistrate to report deviations from the third clause; and any person, not being a native inhabitant of Sylhet, found to have acted contrary thereto, may be sent to Calcutta at the pleasure of Government.

V. The police officers who may seize any property declared liable to confiscation under the preceding article, shall be allowed twenty-five per cent. on the proceeds of the sale thereof; and if the seizure shall have been made upon information from any other person, the same reward shall be granted to the informer. Provided, however, that if the property seized shall not be declared by the magistrate liable to confiscation, the person or persons who made the seizure, or who may have given any false information on which the seizure was made, shall be liable to be sued for damages by the proprietor in the Zillah Dewanny Adawlut.

Police officers entitled to twenty-five per cent. on the proceeds of contraband property seized by them, and persons giving information of such property entitled to a similar reward on the seizure thereof.

Persons seizing or informing of goods not afterwards found liable to confiscation may be sued by the proprietors for damages.

VI. Provided also, that any person dissatisfied with the magistrate's order for confiscation under Section IV. shall be at liberty to state his objections to the Governor-General in Council, who will afford such relief as may appear to him equitable, or leave the complainant to seek his remedy in the civil courts, in the mode prescribed in Section XI. of Regulation III. 1793, which is hereby declared to extend to any suits against Government which may be instituted for acts done under the present Regulation; *with this difference, that as the offices of judge and magistrate in the district of Sylhet are vested in the same person, the party dissatisfied with the order of confiscation by the magistrate, and not obtaining relief from the Governor-General in Council in the manner above provided, may, if he think proper, instead of suing Government in the Zillah Dewanny Adawlut, as directed in Section XI. of Regulation III.* 1793, *commence his suit in the first instance before the Dacca Provincial Court of Appeal, who*

Any person dissatisfied with the magistrate's order for confiscation may apply for relief to Government, who will either afford it or leave him to seek it in the civil courts, under Sec. xi. of Reg. III 1793, which is extended to suits instituted under this Regulation

With this difference, that the complainant may, if he thinks proper, commence his suit in the Dacca Provincial Court.

are required to receive and proceed upon the same in conformity to the above section, provided the suit be in all other respects regularly instituted according to the general regulations.

VII. [Bonds to be executed by British-born subjects residing in Sylhet making themselves amenable to the courts.]—*Superseded by Act XI.* 1836.

Perwannahs heretofore granted to traders, &c. to be discontinued.

VIII. The provisions contained in this Regulation render it unnecessary for any trader, whether native, European, or otherwise, to apply for the perwannahs which have been heretofore granted by the collector or magistrate of Sylhet to the thannadar of Laour, for the purpose of their being supplied with chunam; and all such perwannahs are hereafter expressly forbidden to be issued, as militating with the general freedom of trade meant to be established by this Regulation. But nothing herein contained is to be understood to restrict the magistrate of Sylhet from issuing such instructions to the police darogah at Laour, and to the other police officers within his jurisdiction, as he may consider necessary to carry into full effect the several provisions of this Regulation, or to prevent disagreements and breaches of the peace between the traders and hill people on the frontier; so that such instructions be not repugnant to this, or any other existing Regulation.

A.D. 1799. REGULATION II.

Reg. II. 1799.

A Regulation *for Monthly Gaol Deliveries in the Cities of Dacca, Moorshedabad, and Patna; and for declaring Convicts who may escape from Confinement during their Sentences liable to Transportation:* Passed *by the Vice-President in Council, on the 25th March,* 1799.

I. By Sections XIX. and XX. of Regulation XVI. 1795, a monthly gaol delivery is directed to be held for the city of Benares; and the convenience of prosecutors and witnesses, who in the cities are frequently foreign merchants or other strangers, and cannot wait the period of a half-yearly session without injury to their concerns, requires that the gaol delivery of the cities of Dacca, Moorshedabad, and Patna, should be also held monthly, in such manner as may be consistent with the due discharge of the duties of the Courts of Appeal. Moreover, the frequent escape of convicts who are not liable to transportation under Section X. of Regulation IV. 1797, makes it necessary that this punishment should be added in cases of escape, to deter future attempts. The Vice-President in Council has therefore enacted the following Regulation, to be in force throughout the provinces of Bengal, Behar, Orissa, and Benares, from the 1st May, 1799.

II. to IV. [Times for holding gaol deliveries.]—*Superseded by Regulations I.* 1829, *and VII.* 1831.

V. [Punishment of convicts escaping.]—*Rescinded by Clause First, Section IX. Regulation LIII.* 1803.

Guards, having the custody of convicts who escape, to what punishment liable for neglect or connivance.

VI. All guards, of whatever description, having the custody of convicts who escape, and who may appear on the magistrate's inquiry to have been guilty of wilful neglect, are to be immediately dismissed from the public service, and should any connivance or further criminality appear against them, are to be committed or held to bail, according to the circumstances of the case, for trial before the *Court of Circuit*, that on conviction they may receive the punishment which the law directs.

See Cl. 5 and 6, Sec. xiv. Reg. VIII. 1805, and Sec. x. Reg. XI. 1806.

Reg. III. 1799.

A.D. 1799. REGULATION III.

A Regulation *for postponing to the End of the Bengal Year* 1204, *or to the* 10*th of April*, 1798, *the Operation of Section XX. Regulation XXXV.* 1793, *within the Zillah of Sylhet:* Passed *by the Vice-President in Council, on the* 19*th April*, 1799.

[Extinct.]

Reg. IV. 1799.

A.D. 1799. REGULATION IV.*

A Regulation *for the Trial of Persons charged with Crimes against the State:* Passed *by the Vice-President in Council, on the* 26*th April*, 1799.

I. Whereas, under the rules established for the ordinary administration of criminal justice in these provinces, the trials of persons charged with offences are held before one judge of the several Courts of Circuit and the law officer appointed to sit with him; and whereas in particular cases, when the crime charged may be treason, rebellion, or other offence against the state, it may be expedient that the persons so charged should be brought to an immediate trial before all the judges of the Court of Circuit to which the parties may be amenable, or before a special court to be convened by the Executive Government for that purpose, the following rules have

* This Regulation is modified, and much of it superseded by Act V. 1841, which declares it competent to the ordinary tribunals to try charges of treason, rebellion, or other crimes against the state, and empowers the Governor-General in Council to appoint special commissioners.

therefore been enacted by the Vice-President in Council, to be in immediate force throughout the provinces of Bengal, Behar, Orissa, and Benares.

Executive Government may convene courts for the immediate trial of persons charged with crimes against the state.

II. In all cases, in which a person subject to the ordinary jurisdiction of the *Courts of Circuit* shall be charged with treason, rebellion, or other crime against the state, the Governor-General in Council, or the Executive Government at Fort-William for the time being, shall be competent to order the person or persons so charged, to be brought to immediate trial before *all the judges of the Court of Circuit* to which such person or persons may be amenable, or before any other special court which it may be judged expedient to appoint for this purpose, consisting of three judges and two Mahomedan law officers, or such other number of judges and law officers as may be thought proper.

Courts so convened to proceed in the ordinary manner, and to exercise all the powers vested in the *Courts of Circuit*, except that their sentences are to be reported to the Nizamut Adawlut previous to their being carried into execution; and in all cases not provided for by the Regulations, to be guided by special orders.

III. The courts convened under the preceding section, whether composed of the judges of the *Courts of Circuit* or otherwise, are to try the prisoners brought before them in the same manner as they would have been tried before the ordinary courts, and shall exercise all the powers and authorities vested in the *Courts of Circuit* by the Regulations; except that their sentence, whether of acquittal or punishment, shall in every instance be reported with their proceedings to the Court of Nizamut Adawlut previous to carrying the same into execution; and they are to be guided as to the place where they are to assemble, the persons to be tried by them, and all other particulars not provided for in the Regulations, by the special orders which they may receive from the Executive Government or from the Court of Nizamut Adawlut.

Modified by Act V. 1841.

Provision for the death or absence of any of the judges or the law officers of the court.

IV. In case of the death or of the absence, from indisposition or other cause, of any of the judges or law officers of the courts which may be appointed to try offenders under this Regulation, the remaining judge or judges, or law officer or officers, shall be competent to form a court, and proceed with the trial or trials, until provision can be made by the Governor-General in Council, or by the Executive Government for the time being, for supplying the place of such judge or judges, or law officer or officers, if any such provision shall be deemed necessary; or if no such provision be made, the powers and proceedings of the said courts shall not be affected by the death or absence of such judge or judges, or law officer or officers, any more than if the same had never taken place.

Nizamut Adawlut to report their sentence and the whole of the proceedings to the Executive Government, and await their orders.

V. The Nizamut Adawlut, on the receipt of any trials referred to them under this Regulation, are to proceed thereupon according to the rules in force with respect to other trials referred to them; except that they are, in every instance, to report their sentences, with the whole of the proceedings held upon the case, to the Governor-General in Council, or to the Executive Government for the time being, and are to wait the orders of Government before they direct their sentence to be carried into execution.

Magistrates to assist in expediting the trials. If any person shall be

VI. The magistrates of the several zillahs and cities are enjoined to give their utmost assistance, as far as may depend on them, in expediting

charged before them, in the first instance, with crimes against the state, they are to report the same to Government, and to pay strict attention to the orders of the Executive Government thereon.

the trial of all persons charged with the crimes mentioned in this Regulation; and in the event of any person or persons being charged with such crimes before them in the first instance, they are to give immediate notice thereof to the Governor-General in Council for his orders. The magistrates are also required to pay immediate and strict attention to all orders which may be transmitted to them by the Executive Government, for the apprehension of persons charged as aforesaid, or for making any inquiry respecting such persons, or for committing them to take their trials before the ordinary *Courts of Circuit* or before the special courts described in this Regulation

Modified by Act V. 1841.

Reg. V. 1799.

A.D. 1799. REGULATION V.

A REGULATION *to limit the Interference of the Zillah and City Courts of Dewanny Adawlut in the Execution of Wills and Adminstration to the Estates of Persons dying intestate:* PASSED *by the Vice-President in Council, on the 3rd May,* 1799.

I. DOUBTS having been entertained to what extent, and in what manner, the judges of the Zillah and City Courts of Dewanny Adawlut in the provinces of Bengal, Behar, Orissa, and Benares, are authorized to interfere in cases wherein the inhabitants of the above provinces may have left wills at their decease, and appointed executors to carry the same into effect, or may have died intestate leaving an estate real or personal; with a view to remove all doubts on the authority of the Zillah and City Courts in such cases, and to apply thereto, as far as possible, the principle prescribed in Section XV. of Regulation IV. 1793, viz. that in suits regarding succession and inheritance the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, be the general rules for the guidance of the judges, the Vice-President in Council has passed the following Regulation, to be considered in force from the period of its promulgation in the above provinces respectively.

See Acts XIX. and XX. 1841.

Executors to Hindoos, Mahomedans, and others, not being disqualified landholders, may take charge of the estate of the deceased and proceed in execution of their trust, without any application to the judge or other officer of Government.

II. In all cases of a Hindoo, Mussulman, or other person subject to the jurisdiction of the Zillah and City Courts, having at his death left a will, and appointed an executor or executors to carry the same into effect, and in which the heir to the deceased may not be a disqualified landholder, subject to the superintendence of the Court of Wards under Regulation X. 1793, or any other Regulation relative to the jurisdiction of the Court of Wards, the executors so appointed are to take charge of the estate of the deceased, and proceed in the execution of their trust according to the will of the deceased and the laws and usages of the country, without any application to the judge of the Dewanny Adawlut or any other officer of Government, for his sanction; and the courts of justice are prohibited to interfere in such cases, except on a regular complaint against the executors for a breach of trust or otherwise, when they are to take

Courts of justice prohibited to interfere in such cases, except on a regular complaint.

cognizance of such complaint in common with all others of a civil nature, under the general rule contained in Section VIII. of Regulation III. 1793, and proceed thereupon according to the Regulations, taking the opinion of their law officers upon any legal exception to the executors, as well as upon the provision to be made for the administration of the estate in the event of the appointed executor being set aside, and generally upon all points of law that may occur; with respect to which the judge is to be guided by the law of the parties as expounded by his law officers, subject to any modifications enacted by the Governor-General in Council, in the form prescribed by Regulation XLI. 1793.

To proceed on such complaint according to the Regulations, taking the opinion of their law officers on all points of law.

III. In case of a Hindoo, Mussulman, or other person subject to the jurisdiction of the Zillah or City Courts, dying intestate, but leaving a son or other heir, who by the laws of the country may be entitled to succeed to the whole estate of the deceased, such heir, if of age and competent to take the possession and management of the estate, or if under age or incompetent, and not under the superintendence of the Court of Wards, his guardian, or nearest of kin, who by special appointment or by the law and usage of the country may be authorized to act for him, is not required to apply to the courts of justice for permission to take possession of the estate of the deceased as far as the same can be done without violence; and the courts of justice are restricted from interference in such cases, except a regular complaint be preferred, when they are to proceed thereupon according to the general Regulations.

Heirs of persons dying intestate entitled to succeed to the whole estate (and not subject to the Court of Wards), or their guardians not required to apply to courts of justice for permission to take possession of the estate, as far as can be done without violence.

And courts of justice restricted from interference without a regular complaint.

IV. If there be more heirs than one to the estate of a person dying intestate, and they can agree amongst themselves in the appointment of a common manager, they are at liberty to take possession, and the courts of justice are restricted from interference, without a regular complaint, as in the case of a single heir; but if the right of succession to the estate be disputed between several claimants, one or more of whom may have taken possession, the judge, on a regular suit being preferred by the party out of possession, shall take good and sufficient security from the party or parties in possession for his or their compliance with the judgment that may be passed in the suit; or in default of such security being given within a reasonable period, may give possession, until the suit may be determined, to the other claimant or claimants who may be able to give such security, declaring at the same time, that such possession is not in any degree to affect the right of property at issue between the parties, but to be considered merely as an administration to the estate for the benefit of the heirs, who may, on investigation, be found entitled to succeed thereto.

More heirs than one to the estate of an intestate may appoint a common manager and take possession, as in the case of a single heir.

But if the right of succession be disputed, the judge, on a regular suit, to take security from the party in possession;

or, in default of such security, may put the other claimants giving it in possession.

Such possession not to affect the right of property.

Modified by Reg. V. 1827.

V. In the event of none of the claimants to the estate of a person dying intestate being able to give the security required by the preceding section, and in all cases wherein there may be no person authorized and willing to take charge of the landed estate of a person deceased, the judge within whose jurisdiction such estate may be situated (or in which the deceased may have resided, or the principal part of the estate may lie, in the event of its being situated within two or more jurisdictions) is authorized to appoint an administrator for the due care and management of such estate, until, in the former case, the suit depending between the several claimants

In what cases the judge may appoint an administrator for the care and management of the estate of an intestate.

And when such administration is to cease.

shall have been determined, or in the latter case, until the legal heir to the estate, or other person entitled to receive charge thereof as executor, administrator, or otherwise, shall attend and claim the same; when, if the judge be satisfied that the claim is well founded, or if the same be established after any inquiry that may appear necessary, the administrator appointed by the court shall deliver over the estate to him, with a full and just account of all receipts and disbursements during the period of his administration.

Modified by Reg. V. 1827.

Security to be taken from administrators appointed under this Regulation;

and in what manner their allowance is to be fixed.

VI. In all instances of an administrator being appointed under this Regulation, he is, previous to entering upon the execution of his office, to give good security for the faithful discharge of his trust in a sum proportionate to the extent thereof; and the judge appointing him is authorized to fix for him (subject to the approbation of the Court of Sudder Dewanny Adawlut, to whom a report is to be made in such instances) an adequate personal allowance to be paid out of the proceeds of the estate, and to be a per-centage thereupon, after deducting the expenses of management.

Judges how to proceed in cases of persons dying intestate, leaving personal property to which there may be no claimant.

VII. The judges of the Zillah or City Courts, on receiving information that any person within their respective jurisdictions has died intestate, leaving personal property, and that there is no claimant to such property, are to adopt such measures as may be necessary for the temporary care of the property, and to issue an advertisement in the current languages of the country, requiring the heir of the deceased, or any person entitled to receive charge of his effects, to attend for this purpose. Such advertisement to be published on the spot where the property was found, at the Dewanny Adawlut cutcherry of the zillah or city, and if ascertainable, at the dwelling-place of the deceased, or if the deceased were an European, in the Calcutta Gazette; after which, should any person attend and satisfy the judge of his title to the property, or to receive charge thereof as executor, administrator, or otherwise, the same is to be delivered up to him, on repayment of any necessary expense incurred in the care of it. Should no claim be preferred within the twelve months next ensuing, an inventory of the property and report of the circumstances of the case is to be transmitted to the Governor-General in Council for his orders.

Modified by Sec. vi. Reg. XV. 1806. See note there.

Nothing in this Regulation to limit or alter the jurisdiction of the Court of Wards.

VIII. Nothing in this Regulation is to be understood to limit or alter the jurisdiction of the Court of Wards in the appointment of managers or guardians for the disqualified landholders, described in Regulation X. 1793, or in any case wherein a special power may be vested in the Court of Wards by the above or any other Regulation.

A.D. 1799. REGULATION VI.

Reg. VI. 1799.

A REGULATION *prescribing Rules for the Guidance of all Persons concerned in the Provision of Opium on the Part of Government by Agency, and for preventing the illicit Cultivation of the Poppy, and the illicit Importation of, or Traffic in Opium:* PASSED *by the Vice-President in Council, on the* 11*th July*, 1799.

[Rescinded by Section II. Regulation XIII. 1816.]

A.D. 1799. REGULATION VII.

Reg VII. 1799.

A REGULATION *for enabling Proprietors and Farmers of Land to realize their Rents with greater Punctuality; for providing against unnecessary Delay in the Payment of the public Revenue assessed upon the Lands; and for securing the ultimate Recovery of Arrears of Revenue by a Sale of the Landed Property from which it may be due at the close of the Year:* PASSED *by the Vice-President in Council, on the* 29*th August*, 1799.

I. THE powers which the landholders and farmers of land paying revenue to Government are at present allowed to exercise, for enforcing payment of the rents due to them from their under-tenants, having in some cases been found insufficient, particularly where the crop not being in the immediate possession of the under-tenant in arrear cannot be distrained and sold, under the provisions contained in Regulations XVII. 1793, and XXXV. 1795. A considerable delay having also of late occurred in the payment of the public revenue due from many of the landholders, which though ascribable, in some instances, to the cause above mentioned, can in others be imputed only to a want of good faith on the part of certain of the zemindars and other landholders, who, taking advantage of the delay with which the process for disposing of their lands is unavoidably attended, have withheld payment of their instalments until the day appointed for the sale, and in many instances, there is reason to believe, have bought in their lands, when sold, in fictitious names or the names of irresponsible dependants. Moreover, the frequent and successive sales of land within the current year having been found productive of material ill consequences, as well towards the land proprietors and under-tenants, as in their effect on the public interest in the fixed assessment of the land revenue: the Vice-President in Council, with a view to obviate the above injurious consequences hereafter, and to establish a more certain and easy process for enabling landholders and farmers of lands to realize their rents, and the officers of Government to enforce payment of the public revenue without having recourse to sales of land till the close of the year, has

enacted the following rules and provisions, to be in force throughout the provinces of Bengal, Behar, and Orissa, from the promulgation of this Regulation in the several districts respectively.

Landholders and farmers empowered by Sec. ii. of Reg. XVII. 1793, to distrain for arrears of rent, authorized to delegate this power to their agent.

Agents to whom such power may be delegated, authorized to levy distress for arrears of rent due to their constituents;

Subject to their own responsibility in addition to that of their principals.

Neither landholders, farmers, or their agents, liable to prescribed penalties, except in cases of wilful deviation from, or gross neglect of, the regular process for distraining.

Where no wilful deviation or gross neglect may appear, satisfaction for actual damage only to be adjudged.

And not this, if distrainer can show that he tendered sufficient amends.

II. The zemindars, talookdars, and other landholders and farmers of land, empowered by Section II. of Regulation XVII. 1793, to distrain the crops, cattle, and other personal property of their under-tenants for arrears of rent, are authorized to delegate to their naibs, gomastahs, and other agents employed in the collection of their rents, the power of distraining in their behalf in the mode prescribed by the Regulations, under the responsibility declared in Section XXXII. of Regulation XVII. 1793; and the naibs, gomastahs, and other agents, to whom such power may be delegated by their principals, are authorized to proceed for the recovery of arrears of rent due to their constituents, in the same manner as the latter are authorized to proceed, subject to their own responsibility in addition to that of their principals, for any wilful deviation from the Regulations: but it is hereby declared, that neither the landholders and farmers themselves, or their agents, are to be made liable to the penalties prescribed for a deviation from any part of Regulation XVII. 1793, or of Regulation XXXV. 1795, or of any other Regulation relative to the distraining for land-rents, unless such deviation shall clearly appear to have been wilful and intentional, or to have proceeded from gross neglect and inattention to the rules prescribed for their guidance. Where no such wilful deviation or gross neglect shall appear, satisfaction to the party aggrieved for the actual damage sustained by him, from the prescribed process not having been strictly adhered to, shall alone be adjudged against the distrainer; nor shall any judgment be given for such damages, if the distrainer can show that he tendered sufficient amends to the party injured as soon as the irregularity in his proceedings was discovered, or at any time before the action for damages was brought against him, and that such tender was refused.

Part of Sec. v. Reg. XVII. 1793, rescinded.

Under-tenants to be considered defaulters for any arrears of rent withheld beyond the day on which they became payable.

For such arrears not paid on demand, defaulters liable to distress.

Tenant to give notice of distress to his surety.

Or distrainer may give notice to the surety and require payment from him.

III. Such part of Section V. Regulation XVII. 1793, as enacts that "under-farmers, ryots, and dependent talookdars, shall not be considered to have defaulted until the arrears have been ineffectually demanded from them, and also from their surety if they shall have given security and the surety shall be forthcoming," is hereby rescinded; and under-tenants of every description are to be considered defaulters for any arrears of rent withheld beyond the day on which the same may have become payable according to their kistbundies, or other engagements, or where there may be no written specification of the exact term of payment, beyond the period when the rent demandable from them may be payable according to established local usage. For all such arrears which may not be paid on demand, defaulters are declared liable to immediate distress, whether the amount shall have been demanded from their sureties or otherwise. In instances wherein the distrainer may proceed to levy distress from an under-tenant who has given security, without having previously demanded the arrear from the surety, it will be incumbent on the tenant to give notice of the distress to his own surety, so as to enable him to discharge the arrear before the sale of the property attached; or the distrainer, if he think proper, may give notice to the surety and require him to make pay-

ment of the arrear. The distrainer may also, at his option, distrain in the prescribed mode either the property of the defaulter or his surety, or the property of both, so that the whole distress be not excessive in proportion to the arrear; but no distress shall be levied on the property of the surety until the arrear shall have been ineffectually demanded from the defaulter; unless the latter shall have absconded or be otherwise not forthcoming; in which case, and in the event of the surety's not discharging the amount due on demand, distress may be levied from his property for the recovery of it, in like manner as if the defaulter had been present and served with the demand in the first instance.

Distrainer may also, at his option, distrain property of surety.

Or the property of both the defaulter and his surety, so that the distress be not excessive.

Provided the arrear be first demanded from the defaulter if forthcoming

See Sec. xiii. Reg V. 1812.

IV. The notice of fifteen days for the sale of attached property directed in Section VIII. of Regulation XVII. 1793, and the period of fifteen days from the time of attachment fixed for the sale of such property by Section V. of Regulation XXXV. 1795, are hereby rescinded; and the notice to the defaulter, directed to accompany the inventory of the attached property to be delivered to him, shall inform him only of the arrear due, and the intention of the distrainer to bring the attached property to immediate public sale for the discharge of it, unless the amount and expenses of attachment be previously paid. If the defaulter, on receiving this notice, shall neglect to pay the amount due from him, or to give such assurance of early payment as may be satisfactory to the distrainer, or if the defaulter shall have absconded or be otherwise absent, so that the notice cannot be served on him, the distrainer is to transmit an inventory of such part of the attached property as can be brought to immediate sale to the nearest *cauzy,** *or other* public officer empowered to sell distrained property, with a written request that he will cause the same to be publicly sold for the discharge of the arrear due, the amount of which is also to be specified in the application, together with the place where the property may be in attachment; and if it be the intention of the distrainer to remove it, under the discretion vested in him by Section XII. of Regulation XVII. 1793, the place to which such removal is intended. The *cauzy** *or other* authorized officer, on the receipt of such application, is to proceed as directed in Section V. of Regulation XXXV. 1795, under the following further provisions; viz. instead of fixing the day of the sale on the fifteenth day after the attachment, he shall fix as early a day for the sale as may be compatible with a due observance of the other directions in the above section for the appraisement of the property and the publication of the intended sale of it, which is to be made by beat of drum, on one market-day at the least before the market-day on which the sale may take place, as well as on the morning of the day of sale; and the sale is in no instance to take place before the expiration of five complete days after the attachment, exclusive of the day on which the attachment may have been made. The same principle is to be observed with respect to the sale of ungathered products after the distrainer shall have gathered and stored them, as required by Section XIII. of Regulation XVII. 1793, and which are not to be sold until publication shall have been made as above directed. In consequence of this alteration,

Notice of fifteen days directed in Sec. viii. of Reg. XVII. 1793, and period of fifteen days fixed by Sec v. of Reg. XXXV. 1795, for sale of attached property, rescinded.

Future notice to be given to defaulters.

Inventory and particulars to be transmitted by distrainer to *cauzy or other* officers empowered to sell distrained property

Cauzy or other officer how to proceed, on receiving applications for the sale of distrained property.

No sale to take place before expiration of five complete days after the attachment.

Or after storing products ungathered at the time of attachment

Notice to *commercial residents and* salt

* It is enacted by Act I. 1839, that no person shall have authority by virtue of any office to sell property distrained for arrears of rent, and that it shall be lawful for the collectors to appoint commissioners for the sale of distrained property.

agents directed in Sec. XXXI of Reg. XVII. 1793, to be given as soon as possible after attaching the property of persons employed in the *Company's investment* or manufacture of salt

And sufficient time to be allowed for satisfying the demand in such cases.

But the required notice may be given either to the *commercial resident or* salt-agent, or to the native superintendent of the *factory or* salt-chokey

Commission to be drawn by officers authorized to sell distrained property, if the sale take place, but not otherwise.

which is made with a view to expedite the sale of distrained property, distrainers, when they attach the property of persons employed *in the provision of the Company's investment or* in the manufacture of salt, are to give the notice directed in Section XXXI. of Regulation XVII. 1793, as soon as possible after making the attachment; and, in such cases, the property is not to be sold, until sufficient time has been given to enable the Company's officers to satisfy the demand before the day of sale. The notice required by the above section, however, may, at the option of the distrainer, be either given to the *commercial resident or* salt agent in whose division the defaulter may have been employed, or to the native superintendent of the *factory or* salt-chokey to which the defaulter may be attached.

V. As a compensation to the *cauzies and other* public officers empowered to dispose of property under distraint, both for their personal trouble and for the expense they may incur in publishing and making such sales, as well as in causing the attached property to be appraised, as directed by Section V. of Regulation XXXV. 1795, they shall draw a commission of one anna in the rupee on the amount sales of the property sold by them; to be deducted from the proceeds, and charged to the account of the defaulter, with the other expenses attending the attachment. But no such commission shall be drawn, nor any charge made to the defaulter, beyond expenses actually and necessarily incurred, in the event of the sale being stopped by his discharge of the arrear due from him, or otherwise. It is expected that this allowance to the officers entrusted with the sale of distrained property will ensure the faithful discharge of the trust reposed in them; and any collusion with the defaulter, distrainer, or purchaser, or other misconduct in the execution of the duty committed to them, will render them liable to immediate dismission from their offices in the mode provided by the Regulations, besides subjecting them to the other penalties therein specified, and full damages to the party injured.

See Sec Act I 1839

Faithful discharge of trust expected in consequence of such allowance.

Punishment of collusion or other misconduct.

VI. VII. VIII. [Appointment of cauzies, commissioners, and others, as distrainers.]—*Superseded by Act I.* 1839.

Further penalties for resistance to attachments for arrears of rent, as prescribed by the Regulations.

IX. In addition to the penalties provided by Section XIX. Regulation XVII. 1793, it is hereby declared, that if any under-tenant, of whatever description, shall resist, or cause to be resisted, the attachment of his property for arrears of rent, in the mode prescribed by the Regulations, so as to prevent the attachment from taking place, or shall forcibly or clandestinely take away such property after it shall have been attached, such offender shall, on proof before the *Dewanny Adawlut*, be made liable to damages to the distrainer equal to twice the amount of the property rescued from attachment, and the property so taken away may be re-attached by the distrainer wheresoever it may be found. The offender, and all persons concerned with him in resisting the attachment, are moreover declared liable to be apprehended and prosecuted before the criminal courts, for any breach of the peace committed by them in such resistance to the attachment; *and the police officers, on information of such, are immediately to repair to the spot, and take all proper measures under the Regula-*

See Sec XXVII Reg. XX. 1817

Offenders liable to damages equal to twice the amount of the property rescued from attachment

and property taken away may be re-attached wheresoever found.

Offender, and all persons concerned with him, also liable to be apprehended and prosecuted for any breach of the peace.

*tions, as well to apprehend and send to the magistrate any persons who may appear to have broken the peace, as to support distrainers in the due exercise of the legal powers vested in them.** If any person, not being the defaulter, or responsible for him, claim as his right the property distrained, and the distrainer shall notwithstanding cause the same to be sold, the claimant, on proof of his right *in the Dewanny Adawlut*, and in the event of the distrainer being unable to prove that he was responsible for the arrear on account of which the property may have been sold, shall recover from the distrainer the full value of such property, with all costs and damages, according to the circumstances of the case. But no claim to crops upon the ground or to any gathered product of the ground attached in the possession of the defaulter, whether founded upon a previous sale, mortgage, or otherwise, shall bar the prior claim of rent due for the ground upon which such crop or product may have been grown, it being the undoubted right of the owner of the land, or his representative, to consider the produce of it mortgaged to him for the rent of the land in the first instance, and in default of his rent being paid as engaged for (or determinable by local rates and usage, where there may be no specific engagement), to distrain and sell such part of the product as may be necessary to make good the arrear due to him.

Modified by Act X. 1846.

Police officers, how to act on information given in such cases.

Claims to property distrained and sold to be preferred in the Dewanny Adawlut.

In what cases judgment for value of such property, with costs and damages, to be given against the distrainer.

But no claim to ground products attached in possession of defaulter to bar the prior claim of ground-rent.

X. The restrictions contained in Section XXI. of Regulation XVII. 1793, which prohibit distrainers from forcing open the outer door of any dwelling-house and from entering the zenana or apartments of women, having been found liable to abuse, such restrictions are hereby modified as follows. *When a distrainer may have reason to suppose that the property of a defaulter is lodged within a dwelling-house, the outer door of which may be shut, or within any apartments appropriated to women, which by the usage of the country are considered private, he is at liberty to represent the same to the police darogah within whose jurisdiction the house may be situated, and on such representation the police darogah is to send a police officer to the spot, in the presence of whom the distrainer is authorized to force open the outer door of the dwelling-house in which he may have reason to suppose the defaulter's property to have been lodged, in like manner as he is already authorized to break open the door of any room within a dwelling-house except the zenana. He may also, in the presence of the police officer, after due notice given for the removal of any women within the zenana, and after furnishing means for their removal in a suitable manner, if they be women of rank, who according to the customs of the country cannot appear in public, enter the zenana apartments for the purpose of attaching any of the defaulter's property deposited therein. But such property, if found, shall be immediately removed from such apartments, after which they are to be left free to the former occupants; and nothing in this Regulation is to be understood to authorize any distrainer or his agent to force open the door of a dwelling-house, or to enter the apartments of women which by the usage of the country are considered private, in any other mode than is herein pre-*

Modification of restrictions in Sec. xxi. of Reg. XVII. 1793.

Distrainer, in presence of a police officer, may force open the outer door of a dwelling-house in which he has reason to suppose the defaulter's property to be lodged.

And with certain precautions may enter zenana apartments to attach property.

But such property to be immediately removed, and the apartments left free to occupants. Penalty for forcing open the door of a dwelling-house, or entering the apartments of women considered private, in any other mode than is herein prescribed.

* Such parts of this section "as respects the police darogahs, or other subordinate officers of police," are rescinded by Clause 2, Sec. ii. Reg. XX. 1817, and by Sec. xxvii. of the same Regulation, such parts of this and of the two following sections "as authorize any aid to be given by police officers to distrainers for arrears of rent" are declared subject to the modifications there enacted.

scribed, a wilful deviation from which will subject the offender to heavy damages, besides forfeiture of the arrear of rent on account of which the distress may be levied.

Police darogahs, on application, to depute an officer to be present at attachments for arrears of rent.

Officers so deputed to use every means to prevent resistance or other breach of the peace, and to observe the conduct of distrainers

See note to Sec. x.

XI. *In all cases wherein persons authorized to distrain property for arrears of rent may apply to the police darogah of the jurisdiction to depute a police officer to be present at the time of making the attachment, with a view to prevent resistance or other breach of the peace, the police darogah shall, as far as may be in his power, immediately comply with such applications; and the police officers so deputed shall use every means in their power to prevent resistance or other breach of the peace in such cases. He shall also give due attention to the whole conduct and proceedings of the distrainer, so as to be able to give evidence thereupon, if afterwards required, either before the judge or magistrate.*

The courts of justice to discourage and punish unfounded complaints against persons attaching property or officers employed in collecting the rents, as well as their being summoned as witnesses merely to create embarrassment and delay in the collections.

Sec. x. of Reg. IX 1793, and Sec. vi. of Reg. IV. 1793, to be strictly enforced in such cases

XII. It being a frequent practice with the under-tenants to lodge unfounded complaints in the Foujdary Adawlut against persons attaching their property, as well as against the whole of the officers employed in collecting their rents, and likewise to cause their being summoned as witnesses in causes with the merits and circumstances of which they are totally unacquainted, for the sole purpose of creating embarrassment and delay in the collection of the rents, the courts of justice are required at all times to discourage and punish such culpable practices, as far as the powers vested in them by the Regulations may admit. Section X. of Regulation IX. 1793, is to be strictly enforced in all cases of litigious and unfounded complaints, of the nature herein referred to, before the magistrate; and in instances of the zemindarry officers or others employed in the collections being improperly summoned as witnesses in the civil courts, the party who summoned them should be compelled, under Section VI. Regulation IV. 1793, to make them such allowance for their expenses as may be sufficient for their full indemnification. It is further hereby declared, that if any person shall wantonly, and without good cause, be the means of summoning to the courts of justice, civil or criminal, the principal officer, or any officer engaged in collecting the rents of any zemindar, talookdar, or other landholder or farmer of land, and a loss of rent, or other evident damage, shall be sustained by the landholder or farmer, in consequence of such wanton and unnecessary summons, an action shall lie against the party who caused the summons for such loss or damage, and on proof thereof in the Dewanny Adawlut, or before the native commissioners *appointed under Regulation XL.* 1793, if the case be cognizable by them, the party injured shall be entitled to recover the amount with all costs of suit.

Compensation to be adjudged also, with all costs of suit, for any loss or damage sustained by the wanton, unnecessary summons of any officer engaged in collecting the rents.

See Sec. iv Reg. II 1821, Reg. V. 1831, and Acts XI. 1836, III 1839, and Sec. vii Act VI. 1843

Strictest observance required of Sec xxxiv. Reg. XVII. 1793, and Sec. xxii. Reg. III. 1794.

XIII. The Civil Courts are already directed by Section XXXIV. of Regulation XVII. 1793, to hear and determine all suits instituted under that Regulation previous to any others that may be depending; and by Section XXII. of Regulation III. 1794, they are instructed to appropriate one day in each week, or two or more days if necessary, for the trial of suits regarding the rent of land and the public revenue assessed thereupon. The strictest observance of these rules is required from the zillah and city judges *and their registers*, as well as from the Courts of Appeal when

Modified by Secs. ii. and iii. and see Sec viii. Reg. VIII 1831.

cases of the above description may be under appeal; and in all cases cognizable by the native commissioners *appointed under Regulation XL.* 1793, they are to hear and determine suits respecting rent or revenue before any others that may be depending. It is further hereby declared, that Section XXXIII. of Regulation XVII. 1793, which authorizes persons whose property may have been distrained to sue for any injury sustained thereby in the zillah Dewanny Adawlut, and allows landholders and farmers of land to sue defaulters or their sureties in the zillah Dewanny Adawlut for arrears of rent, instead of distraining their property, if such mode of procedure be preferred by them, was not meant to restrict the native commissioners *appointed under Regulation XL.* 1793, from taking cognizance of any suits of the above description *not exceeding fifty sicca rupees*, whether preferred to them in the first instance in their capacity of munsiffs, or referred to them by the judges of the Dewanny Adawlut under the provisions contained in the above Regulation.

Modified by Secs. ii. and iii., and see Sec. viii. Reg. VIII. 1831.

And native commissioners *under Regulation XL.* 1793, to determine suits respecting rent or revenue before any others depending.

Explanation of Sec. xxxiii. Reg. XVII. 1793.

See Sec. iv. Reg. II. 1821, Reg. V. 1831, and Acts XI. 1836, III. 1839, and Sec. vii. Act VI. 1843.

Not meant to restrict native commissioners from taking cognizance of suits for rent or revenue not exceeding *fifty sicca rupees.*

XIV. To enable proprietors of land to recover more speedily arrears of rent from their under-tenants, which from the largeness of the amount cannot be immediately realized by the levy of distress on the personal property of defaulters and their sureties, a summary process was enacted by Section IX. and the succeeding sections of Regulation XXXV. 1795, whereby dependent talookdars, under-farmers and ryots, or their sureties, for arrears of rent exceeding five hundred *sicca* rupees, were made liable to confinement, after notice of three days to the defaulter, and a summary inquiry respecting the arrear before the judge of the Dewanny Adawlut. The limitation of five hundred rupees, and the opportunity left to defaulters and their sureties to abscond, by the notice directed in Section X. of the above Regulation, have been found, however, in a great degree to defeat the ends proposed, and the fraudulent and evasive conduct of under-tenants who are not the immediate cultivators of the land, and have little personal property that can be distrained, renders it necessary to give further aid to the landholders and farmers, for the recovery of arrears of rent due from under-tenants of this description. The following rules, therefore, are enacted, instead of Sections IX. X. XI. XII. XIII. XIV. XV. XVI. XVII. XVIII. XIX. and XX. of Regulation XXXV. 1795, which are to be considered as superseded thereby.

Recapitulation of summary process for arrears of rent exceeding 500 rupees authorized by Reg. XXXV. 1795.

Circumstances which have tended to defeat the ends proposed by the above Regulation.

Following rules enacted instead of Secs. ix. x. xi. xii. xiii. xiv. xv. xvi. xvii. xviii. xix. and xx. of Reg. XXXV. 1795.

XV.* *First.* Any zemindar, talookdar, or proprietor or farmer of land,

Any landholder or farmer to whom an ar-

* Section ii. Reg. IX. 1801 and Sec. xx. Reg. X. 1819, limit the operation of Clauses 1 to 6 of this section in respect of persons employed in the salt manufacture.—Sec. iv. Reg. II. 1805, enacts that the process prescribed in this section shall not be applied to arrears or other demand which have been due more than a complete year before the presentation of the petition against the defaulter.—Secs. xv. to xviii. Reg. V. 1812, provide for the institution of summary suits by alleged defaulters to try the demands.—Secs. xv. and xvi. Reg. XIX. 1817, enact rules for the arrest of defaulters or their sureties out of the jurisdiction, and for admitting defaulters and their sureties to bail.—Sec. xviii. Reg. VIII. 1819, provides additional rules for the attachment of a defaulter's lands, and for passing an ex-parte decision if he evade process; and Sec. xix. of the same Regulation empowers the landholder to proceed either in the jurisdiction in which the defendant resides, or that in which the tenure in arrear is situated; and Secs. ii. and iii. Reg. VIII. 1831, transfer the summary cognizance of claims to arrears of rent or revenue to the collectors, leaving to the judicial authorities appeals or regular suits only, which parties have the option of instituting instead of proceeding summarily under Sec. iv. Reg. II. 1821; the proceedings before the collectors are to be regulated by the rules in Regs. XIV. 1824, and VIII. 1831.

rear of rent may be due from an under-tenant, which cannot be realized by distress, may cause the arrest of the defaulter and his surety in the manner following.

to whom an arrear of rent may be due from a dependent talookdar, kutkinadar, jotedar, or other under-tenant of whatever denomination, which cannot be realized by distraining the personal property of such under-tenant, and his surety (if he shall have given security), is at liberty, after demanding such arrear from the defaulter, and from his surety if forthcoming, or without any express demand if he have reason to believe that the defaulter or his surety is prepared to abscond, to cause the immediate arrest of such defaulter and his surety in the manner following.

Petition to be presented to *judge of the Dewanny Adawlut or native commissioner appointed under Regulation XL.* 1793.

Second. The proprietor or farmer to whom the arrear may be due, or his authorized agent, is at liberty to present a petition to the *judge of the zillah Dewanny Adawlut, or in cases wherein there may be reason to apprehend the immediate elopement of the defaulter or his surety, to the native commissioner appointed under Regulation XL.* 1793, *within whose jurisdiction the party may reside,* setting forth in specific terms the arrear due from the defaulter, and praying that he and his surety (in case he shall have given security) may be taken into custody, unless the amount be paid. *On the receipt of a petition to this effect by a native commissioner appointed under Regulation XL.* 1793, *he shall, if the defaulter and his surety, or either of them, be within his jurisdiction, immediately cause such party to be arrested, and unless immediate payment be made of the arrear demanded, shall within twenty-four hours cause him to be conveyed to the judge of the zillah Dewanny Adawlut, who shall proceed thereupon in like manner as he is hereafter directed to do, in the event of the petition having been presented to him, and of the party having been arrested by his immediate order. But no native commissioner shall detain any defaulter or surety in custody, without sending him to the judge, above twenty-four hours, under penalty of being dismissed from his office, and made liable to prosecution for false imprisonment, unless the party in arrest shall, by a written application, desire the same for the purpose of adjusting his arrear with the party who caused his arrest, and the latter shall assent thereto; in which case his written acquiescence is to be superscribed or endorsed on the application with his signature, and to be written in such specific terms as may leave no doubt of the time for which such assent to stay process is given.*

See Sec. XIX. Reg. VIII. 1819, and Sec. ii Reg. VIII. 1831

What such petition is to contain.

Native commissioner how to proceed on receipt of such petition.

And judge how to proceed on the party arrested by a native commissioner being brought before him

No commissioner to detain a defaulter or surety in custody, without sending him to the judge, above twenty-four hours

Except by desire of the parties and under a written assent to stay process.

Judge how to proceed if the petition of arrest be presented to him in the first instance.

Third. If the petition of arrest, stated in the preceding clause, be presented in the first instance to the *zillah judge* (and to save time, it is allowed to be presented either in or out of *court*, and by any authorized agent, *whether one of the established vakeels of the court or otherwise*), the *judge*, if the defaulter or surety be within his jurisdiction, is immediately to issue a dustuck for the arrest of such party and to bring him before the *court*, unless he pay the arrear demanded; and if such payment be not made on the service of the dustuck, or within twenty-four hours afterwards (which time is to be allowed to the party arrested to adjust the demand), the officer charged with the dustuck is to complete the execution thereof by conveying the party to the *Zillah Court.* Provided, however, that if the party arrested shall, by a written application, request a longer period than twenty-four hours to adjust the demand against him, and the party causing the arrest shall, by a written superscription or endorsement on such application, acquiesce therein, the officers charged with the dustuck shall delay the execution accordingly; and whenever the party at whose instance the dustuck may have been issued shall, by a written derkhaust, declare himself satisfied, and desire the arrest to be withdrawn, it shall be

See Sec. XV. Reg. XIX. 1817.

Dustuck for arrest issued by the judge how to be executed.

Dustuck when to be withdrawn.

immediately withdrawn accordingly, the officers charged with the dustuck (who are never to exceed two in number, unless in any particular case a greater number be considered necessary to prevent escape) being at the same time paid the tullubaneh due to them according to the rate established by Section III. of Regulation XIV. 1793, viz. two annas per diem, or any lower rate that may have been the customary allowance to persons deputed with revenue processes.

Number of officers to be charged with dustuck.

And rate of tullubaneh to be allowed them.

Fourth. When a defaulter or his surety may be brought to the *Zillah Court* under either of the two preceding clauses, the *judge* shall call upon him to answer the demand against him, and if he deny it, or any part of it, shall enter upon a summary inquiry into the merits of it, by examining the vouchers and accounts of the parties; *or may refer the case to the collector of the district for adjustment and report, as he is authorized to do in all causes of rent, and other matters heretofore cognizable in the Courts of Maal Adawlut, by Section XIII. of Regulation VIII.* 1794; *and as the judges in general are now required to do in every cause of this description, which neither themselves or their registers may be able, from other avocations, to try and determine without delay, and which may not be cognizable by the native commissioners acting under them.* The landholders and farmers are allowed to employ any vakeel they may think proper to appoint, provided he be duly empowered by them, to attend *such inquiries before the collectors, as well as* the summary inquiry directed in this Regulation before the *judge.*

See Sec. vi. Reg. XIV. 1824.

Summary inquiry to be made by the *judge* upon a party's being brought before him under either of the two preceding clauses.

Or case to be referred by him to the collector for adjustment and report.

Judges required to refer to the collectors, under Sec. xiii. of Reg. VIII. 1794, *all causes heretofore cognizable in the Courts of Maal Adawlut, which neither themselves or their registers may be able to determine, without delay, and which may not be cognizable by the native commissioners.*

Fifth. The *judge, after receiving the collector's report, if the case be referred to him for adjustment,* or after completing his *own* inquiry, *if it be not so referred,* is to discharge the defendant with full costs and damages, if it appear that no arrear is due from him; or that the arrear demanded has been wilfully mis-stated by the plaintiff, and a considerable proportion of the demand is not justly due to him. But if it appear that the arrear demanded, or a considerable proportion thereof, be justly due from the defendant, he is to be kept in close custody until he pay the amount, with all costs, and interest on the arrear at the rate of one per cent. per mensem, or until the plaintiff make application to the court for his release. The plaintiff is to pay to such defendants, whilst in confinement, the same allowance for their subsistence as is fixed for other prisoners in the gaol of the Dewanny Adawlut, by Section VIII. of Regulation IV. 1793, viz. such allowance as the *judge* may think proper on consideration of the rank and situation of the prisoner, not exceeding four annas, nor less than one anna per diem, and the payment is to be made in the same manner, and under the same provisions as prescribed in the above section.

See Sec. xii. Reg. II. 1806.

In what cases the defendant is to be discharged with costs and damages.

Defendant to be kept in close custody if the arrear demanded, or a considerable proportion thereof, to be found due from him, and to pay costs and interest.

Subsistence allowance to be paid by plaintiff to the defendant whilst in confinement.

Sixth. When an under-farmer, jotedar, or other under-tenant, arrested as above described, shall not immediately discharge the arrear demanded from him, and shall in consequence be taken in custody to the *judge of the Dewanny Adawlut,* the proprietor or farmer of land to whom such arrear may be owing is at liberty to attach the farm, jote, or other tenure of such defaulter, and to manage the same by his own agents, or in such manner as he may think proper, until the rent due to him, with the further rent that may become due after the attachment, and interest upon the whole arrear, at the rate of one per cent. per mensem, shall have been liquidated from the produce. But in such cases of attachment, the proprietor or farmer making the same shall not exact more from the cultivators of the

See Sec. xviii. Reg. VIII. 1819.

In what cases proprietors and farmers of land may attach the farm, jote, or other tenure of their defaulting tenants, and collect therefrom the arrears of rent due to them with interest.

Restriction against undue exactions from the cultivators of the

soil and other inferior tenantry in such cases.

soil, and other descriptions of inferior tenantry, whose rents for the current year may have been payable to the defaulter, than the defaulter himself would have been entitled to receive from them if the attachment had not taken place (cases of collusion and illegality under the Regulations excepted); and in the event of the defaulter making good the arrear due from him, with interest at the rate of one per cent. per mensem, at any time within the current year, the attachment shall be immediately withdrawn, and a full and fair account rendered to him of all receipts and disbursements during the continuance of it.

Attachment to be withdrawn on payment of the arrear due, with interest, at any time within the current year; and a fair account rendered of all receipts and disbursements

What further measures may be taken by the landholders and farmers for the security of their future rents, if the arrears due to them be not liquidated within the current year

Seventh. If the arrear be not liquidated within the current Bengal, Fussily, or Willaity year (according as the place may be situated in the province of Bengal, Behar, or Orissa), either by the payments of the defaulter or his surety, or by the attachment of his tenure, the zemindar or other proprietor of the land, or the farmer in whose farm the defaulter's tenure may be included (if such farmer's lease extend beyond the current year), is at liberty, at the commencement of the ensuing year, to make such provision for the future receipt of the rents payable to him from the land tenanted by the defaulter as he may judge proper, and may be consistent with the rights of all other persons concerned. If the defaulter be an under-farmer for the past year only, or whose lease may have expired with the past year, he can, of course, have no claim to any further lease; and although his lease may not have expired, if he shall have neglected to fulfil the conditions of it by the payment of his stipulated rent, it must be considered liable to be annulled, or otherwise, at the option of the lessor. If the defaulter be a dependent talookdar, or the holder of any other tenure which, by the title deeds or established usage of the country, is transferable by sale or otherwise, it may be brought to sale, by application to the *Dewanny Adawlut*, in satisfaction of the arrear of rent, and the purchaser will become the tenant for the new year; or if the defaulter be a leaseholder or other tenant, having a right of occupancy only so long as a certain rent, or a rent determinable on certain principles according to local rates and usages, be paid, without any right of property or transferable possession, the proprietor of whom such tenure is held, or the farmer or other person to whom such proprietor may have leased or committed his rights, must be understood to have the right of ousting the defaulting tenant from the tenure he has forfeited by a breach of the conditions of it. In such cases (viz. in the several cases enumerated in this clause, under the stated exception when a sale of landed property may be desired), proprietors and farmers of land are at liberty to exercise the just powers appertaining to them, without any previous application to the *courts of justice;* but they will be held responsible for all acts done by them or by their agents, which may exceed their just powers, and infringe the rights of under-tenants of whatever description, whether founded on pottahs or other written deeds and engagements, or on long prescription and established local usage. This Regulation is not meant to define or limit the actual rights of any description of landholders or tenants, which can be properly ascertained and determined by judicial investigation only, but merely to point out in what manner defaulting tenants may be proceeded against in the event of their not paying the rents, justly due from them, leaving them to recover their rights, if infringed, with full costs and damages, in the established courts of justice, under the provisions already stated in this

Defaulting under-farmers, whose leases may have expired, can have no claim to any further lease

And although their leases may not have expired, neglect to pay the stipulated rent subjects the farms of this description of defaulters to be annulled at the option of the lessor.

If the defaulter be a dependent talookdar or the holder of any other transferable tenure, it may be brought to sale for the arrear by application to the *Dewanny Adawlut*

Or if the defaulting tenant have a right of occupancy only, depending on the payment of a certain rent, he may be removed from the tenure he has forfeited by a breach of the condition of it.

Proprietors and farmers of land at liberty to exercise their just powers in the cases herein stated, without previous application to the *courts of justice*.

But will be held responsible for all acts done by them or their agents beyond their just powers, infringing the rights of their under-tenants of whatever description.

This Regulation not intended to define or limit the rights of any description of landholders or tenants, but merely to point out in

See Cl. 4, Sec. xviii Reg VIII. 1819, Sec. xvi Reg. VII. 1832, and Act VIII. 1835.

Regulation for bringing such causes to a determination with the least possible delay.

what manner defaulting tenants may be proceeded against, leaving them to recover their rights if infringed, with costs and damages, in the courts of justice.

Eighth. In like manner, in all other instances, the courts of justice will determine the rights of every description of landholder and tenant when regularly brought before them, whether the same be ascertainable by written engagements, or defined by the laws and Regulations, or depend upon general or local usage which may be proved to have existed from time immemorial; but it is hereby declared, that no part of the existing Regulations was meant to deprive the zemindars and other landholders of the power of summoning, and if necessary, compelling the attendance of their tenants for the adjustment of their rents, or for any other just purpose, or of measuring any land within their respective estates which may be liable to measurement, under the conditions upon which such land may have been leased or held. For the just exercise of such rights and powers the landholders are not required to make any previous application to the courts of justice; and any person opposing them therein will, on proof in the Dewanny Adawlut, be liable to full damages and all costs; besides being subject, for any breach of the peace, to prosecution and punishment in the criminal courts. But the landholders, their agents and representatives, will be held answerable for any abuse or unjust exercise of the powers hereby declared to be vested in them, and on proof thereof by the party aggrieved in the Dewanny Adawlut, will be liable to full costs and damages, besides a fine to Government if the case shall appear to deserve it. The execution of specific engagements and delivery of receipts for payments, in all instances, will tend most to the security of the landholders and their tenants, in removing all doubt of the exact terms of agreement between them, or of the amount paid and due; and the provisions in Regulation VIII. 1793, for this purpose, are to be pointed out to them by the courts of justice as well as by the collectors, on every proper occasion, as their mutual safeguard against all undue demands on the one side and evasions on the other, which the rules in that Regulation were expressly enacted to prevent. As a further security to the zemindars in maintaining their rights over the dependent talookdars continued under them, the latter are hereby required to register in the sudder cutcherry of the zemindarry to which their talooks may be attached, all transfers of such talooks, or portions of them, by sale, gift, or otherwise, as well as all successions thereto and divisions among heirs in cases of inheritance: and whenever any distribution of the jumma of a dependent talook may become necessary on a division thereof, the written consent of the zemindar to whom such rent may be payable is to be previously obtained, without which no distribution of a talookdarry jumma will be valid, or exonerate the entire talook from its responsibility to the zemindar. Moreover, the zemindars, who, by Section XLVIII. of Regulation VIII. 1793, were directed to deliver to the collectors a record of the engagements entered into between them and their dependent talookdars at the period of the decennial settlement, specifying the names of the talookdars, their talooks, and the jumma of each, are to deliver a similar record annually, or whenever it may be required, including any alterations which have been registered in their respective cutcherries under this Regulation.

The courts of justice, in all other instances, to determine the rights of every description of landholder and tenant when regularly brought before them.

Explanation, that no part of the existing Regulations was meant to deprive the landholders of the power of causing the attendance of their tenants for the adjustment of their rent, or for any other just purpose, or of measuring any land liable to measurement, under the conditions on which it may be tenanted.

Penalty for any opposition to the landholders in the just exercise of these rights.

Also for any abuse or unjust exercise of the above powers by the landholders, their agents, or representatives.

Execution of specific engagements, and delivery of receipts for payments, as directed in Reg. VIII. 1793, the best security both to landholders and tenants.

And the provisions in that Regulation to be pointed out to them by the courts of justice and collectors on every proper occasion, as their mutual safeguard against exaction and evasion.

Dependent talookdars required to register in the sudder cutcherry of the zemindarry to which their talooks are attached all transfers by sale, gift, or otherwise, as well as all successions and divisions.

Written consent of the zemindar to be obtained to any distribution of the jumma, payable to him from a dependent talook, without which the entire talook to remain responsible to him.

Zemindars to deliver to the collectors annually, or whenever required, the record specified in Sec. xlviii. of Reg. VIII. 1793, including any alterations registered in their cutcherries under this Regulation.

Persons confined under the fifth clause of preceding section may insitute a suit in the Dewanny Adawlut.

Judgment to be passed if the arrear denied by them be found not due.

Or if the demand be discharged by them and afterwards found not due.

See Secs. XIV. to XX. Reg. V. 1812, and Sec. VIII. Reg. VIII. 1831.

XVI. Persons confined under the fifth clause of the preceding section, and desirous of bringing the demand upon them to a regular judicial investigation and decision in the Dewanny Adawlut, are at liberty to institute a suit against the landholder or farmer, at whose instance they may have been confined, for this purpose; and should the amount denied by them be found upon trial not to have been due, they shall receive a judgment for full costs and damages against the party by whom it may have been claimed. They shall also be entitled to a similar judgment, with interest at the rate of one per cent. per mensem, upon the amount paid by them, and found not to have been justly due from them, if they shall discharge the demand upon them with a view to obtain their release from arrest, or from subsequent confinement, under the preceding section, and shall afterwards, on a suit in the Dewanny Adawlut for recovery of the amount so paid, establish that it was not due from them at the time of the demand.

Claims rejected on the summary inquiry may be also sued for in the Dewanny Adawlut.

Judgment to be given if such claims be established on the regular suit.

See Sec. VI. Reg. VIII. 1831.

XVII. Proprietors and farmers of land, whose claims to arrears of rent may be rejected by the *zillah judge* on the summary inquiry directed in Section XV. of this Regulation, are also at liberty to institute a regular suit in the Dewanny Adawlut for the recovery thereof; and if, on trial, the amount claimed by them shall be found to have been due when the summary judgment was given against them in the first instance, they shall be entitled to receive back any sums paid by them for costs or damages under such judgment, and to a decree from the Zillah Court for the arrears of rent due to them, with interest at the rate of one per cent. per mensem, and full costs incurred by them, as well on the summary inquiry as on the regular suit.

XVIII. [No appeals from summary decisions—stamps to be used.]—*Superseded by Sections IV. and VII. Regulation VIII.* 1831.

Rules in preceding sections applicable to managers of estates of disqualified landholders, and of joint undivided estates, as well as to the officers of Government holding lands in attachment or under a khas collection.

XIX. The rules in the whole of the preceding sections for the recovery of arrears of rent due to proprietors and farmers of land, are to be considered equally applicable to the managers of the estates of disqualified landholders and of joint undivided estates, as well as to collectors or other public officers holding lands in attachment for the purpose of adjusting the public assessment on them, or for any other purpose, or making a khas collection on the part of Government, where no settlement has been made with any proprietor or farmer; and the authorized agents of such managers, collectors, or other public officers, provided they be so commissioned and instructed, are to exercise the same authority as is vested in the agents of proprietors and farmers of land by Section II. of this Regulation.

The foregoing provisions for the zillahs to be also in force in the cities of Dacca, Moorshedabad, and Patna.

Provisions in Sec. XV. as far as applicable, ex-

XX. *It is further to be understood, that whatever powers and duties are vested in, and required from, the zillah judges by any part of the preceding sections of this Regulation, are meant to be equally vested in, and required from, the judges of the cities of Dacca, Moorshedabad, and Patna;* and the whole of the foregoing provisions to be in force throughout these cities as far as the same may be applicable. The provisions in Section XV. as far

as they can be applied, are likewise declared to extend to the sudder and mofussil amlah, or native agents of every description, employed by the landholders and farmers in the management of their estates or farms, or collection of their rents. Any landholder or farmer having demands upon such agents whilst in his service, or immediately after their resignation or dismission from his service, whether for money in their hands, or for accounts which they may refuse to render, or for any matter relating to the discharge of their respective trusts whilst in his employ, may proceed against them for their arrest and confinement, in like manner as by Section XV. of this Regulation he is authorized to proceed against defaulting under-tenants; and the *Zillah and City Courts and native commissioners* are to take the same measures for the aid of the landholders and farmers in such cases, as they are directed to take for the recovery of arrears from defaulting tenants.

tended to the agents of landholders and farmers whilst in their service, or immediately after their resignation or dismission.

XXI. The foregoing rules will afford proprietors and farmers of land the means of realizing their rents with promptitude and facility, and the utmost punctuality will consequently be expected from them in the payment of their revenue to Government. The motives stated in the preamble to Regulation III. 1794, induced the Governor-General in Council to discontinue the mode of coercion, which had been practised from time immemorial, of confining proprietors of land on their failure in the discharge of the public revenue engaged for by them; and it was expected, that the permanent assessment on their estates, which they were left to improve to the utmost without any addition of revenue, would be paid so readily and punctually as to render it seldom necessary to have recourse to any means of coercion. Instead of fulfilling these reasonable expectations, however, many of the principal zemindars have withheld their revenue; and taking advantage of the want of information in the public offices of the actual produce of their estates, from the discontinuance of former checks and scrutinies, have encouraged, instead of preventing, the public sale of portions of their lands, for the purpose of repurchasing the same in fictitious names at an under-rated assessment, or of reducing the assessment upon the residue of their estates by over-rating the proportion sold. The following rules are enacted to remedy abuses of this nature, as well as to secure the more punctual realization of the public revenue without the necessity of frequent sales of land in the course of the year, which have been found liable to many ill consequences; and the Vice-President in Council, still desirous of enhancing the value of landed property, and of promoting as far as possible the case of the proprietors, by considering their property alone a sufficient security for the public dues, without subjecting them to any personal restraint, except in cases of necessity, has forborn to renew the usage above referred to, whilst there can be a hope of realizing the fixed assessment on their lands according to the stipulated periods of payment without it.

Punctuality expected from landholders and farmers in the payment of their revenue to Government, under the aid now afforded them in the realization of their rents.

Expectations from the permanent assessment and opposite conduct of many of the principal zemindars.

Objects of following rules, and

reasons for not renewing former usage of confining defaulting landholders.

Superseded by Sec. 1. Act XII. 1841.

XXII. *Proprietors and farmers of land paying revenue immediately to Government are already required by Section II. of Regulation III.* 1794, *to cause the whole of the instalment due from them for each month to be paid into the treasury of the collector of the zillah, or to the tehseeldar or other officer appointed to receive the same, on or before the first day of the following*

Recapitulation of Reg. III. 1794.

month, without waiting for a demand of the amount by the collector or tehseeldar; and by Sections IV. and V. of the above Regulation, proprietors of land, who may not discharge the instalment due from them on account of any one month by the fifteenth of the following month, and who after being served with the notice directed in Section III. of Regulation XIV. 1793, *may not liquidate the arrear due from them by the time therein limited, are declared liable to the payment of interest at the rate of twelve per cent. per annum on the amount due from them, and (after reference to the Board of Revenue) to the immediate public sale of their lands under the rules prescribed for the disposal of lands on account of arrears of revenue.* Sections IV. V. VI. VII. IX. and X. of Regulation III. 1794, are now rescinded, and the following rules are enacted instead of them.

Superseded by Sec. II. Reg. VII. 1830.

Secs. iv. v. vi. vii. ix. and x. of Reg. III. 1794, rescinded.

XXIII. *First.* [Interest on arrears.]—*Rescinded by Clause I. Section II. Regulation VII.* 1830.

Requisition to be made immediately on any arrear of revenue.

*Second.** In the event of any arrear of revenue, as described in [*Section II. of Regulation XIV.* 1793,] being undischarged on the first day of the month succeeding that for which the arrear may be due, the collector, if the revenue be payable into his treasury, or if not, the tehseeldar or other public officer to whom the same may be payable, is *immediately to require payment thereof with interest at the rate of one per cent. per mensem, in the mode prescribed by Section III. of the above Regulation; and if the arrear shall not be discharged according to such requisition, or assurance given for the immediate payment thereof to the collector's satisfaction, he shall proceed without delay to attach the estate of the proprietor from whom the arrear may be due, or such portion thereof as he may consider fully sufficient to make good by a sale the arrear due, with interest; or* if the arrear be due from a farmer, *shall* proceed without delay *both* to *attach his farm and* arrest his person (as well as the person of his surety, if he have given security), in the mode prescribed by Sections V. and VI. of Regulation XIV. 1793. This rule, of course, supersedes Section IV. of the above Regulation (which has already been rescinded, as far as respects proprietors of land, by Section III. of Regulation III. 1794); but is not meant to supersede Section XIII. of Regulation III. 1794, with respect to proprietors or farmers of land paying their revenue to a tehseeldar, or other mofussil officer, who is thereby directed to *demand payment of the arrear by the same process as the collectors are required to observe in Section III. of Regulation XIV.* 1793, *and* to report to the collector in case the arrear be not liquidated by the limited period. If the farmer shall have given security, and the collector have no reason to believe that he will abscond, he is not to issue the process prescribed in Section V. of Regulation XIV. 1793, for the confinement of the defaulter or his surety, *until the defaulter has been served with the written demand for the arrear directed in Section III. of the above Regulation;* but if the collector have reason to believe that the defaulter or his security is prepared to abscond,

See Sec. ii. Act I. 1845.

Superseded by Sec. ii. Reg. VII. 1830.

Process if the arrear be not paid on such requisition or assurance of payment given.

Estates of landholders to be attached.

Farms to be attached, and farmers and their sureties arrested.

Superseded by Sec. ii. Reg. I. 1801.

Sec. iv. of Reg. XIV. 1793, superseded by this rule.

But not Sec. xiii. of Reg. III. 1794.

In what cases farmers and their sureties may be arrested without the previous demand directed in Sec. iii. of Reg. XIV. 1793.

* It is enacted by Clause 2, Sec. ii. Reg. XI. 1822, that such parts of this section, and of any Regulation, as require the revenue officer to issue a process of demand for the revenue due, or to attach estates or farms before a sale, or as restrict him in the selection of land for sale on account of arrear of revenue, or the period of sale, shall be rescinded. See also Act I. 1845, which provides new rules for the sale of estates in arrear at certain periods by the Board of Revenue.

he is authorized to issue the process prescribed in Section V. of the above Regulation, both against the defaulter and his surety, *without having issued the previous demand directed in Section III. of the above Regulation:* and, in like manner, if the tehseeldar or other mofussil officer entrusted with the collections shall have reason to believe that any defaulting farmer whose revenue may be payable to him, or his surety, is prepared to abscond, so as not to allow time for his making report to the collector, as directed in Section XIII. of Regulation III. 1794, he is authorized to arrest such defaulter and his surety, without waiting for the collector's process under Section V. of Regulation XIV. 1793, by a similar process under his own seal and signature, and to cause the party arrested to be immediately conveyed to the collector, to be further proceeded against as directed in the above Regulation. Instead, however, of carrying the defaulter forthwith to the gaol of the Dewanny Adawlut, as directed in Section V. of Regulation XIV. 1793, the collector, if the defaulter show any disposition to adjust and satisfy the demand upon him, is at liberty to keep him in the custody of peons during a period not exceeding ten days from the date of his arrival at the collector's station; at the expiration of which period, if the arrear be not paid or satisfaction given for the immediate payment thereof, so as to induce the collector to release the defaulter, he is to be brought before the judge of the Dewanny Adawlut, and confined in the gaol of that court as directed in the section above mentioned. This qualification of the rule contained in that section is to be considered applicable to all cases under the original rule, or to which it may be extended by the present or any other Regulation; but it is not meant to restrict the collectors from observing the original rule in any instances where the defaulter may show no disposition to adjust and satisfy the demand upon him; or where, for any other reason, it may appear to them objectionable to suspend the confinement of the defaulter or his surety.

In what cases, and for what period, the collector may keep defaulting farmers and their sureties under custody of peons, instead of having them confined in the gaol of the Dewanny Adawlut.

This qualification of Sec. v. Reg. XIV. 1793, made general.

But not restrictive on the collectors.

Superseded by Cl. 2, Sec. ii. Reg. XI. 1822.

Rescinded by Reg. VII. 1830.

Third. After the attachment of the lands of defaulting proprietors, or the attachment of the farms of defaulting farmers, in conformity to the preceding clause, if the arrear due, with any further arrear that may become due from the same proprietor or farmer, [with interest thereupon at the rate of one per cent. per mensem,] be discharged at any period before the end of the current Bengal, Fussily, or Willaity year (as the estate or farm may be situated in Bengal, Behar, or Orissa), together with any expense attending the attachment, which may not have been defrayed from the collections, the attachment shall be immediately withdrawn, and a full and fair account rendered of all receipts and disbursements during the continuance of it. Moreover, all receipts from the estate or farm attached, after paying the establishment of officers required to collect the rents, as provided for by Section VI. of Regulation XIV. 1793, shall be carried to the credit of the defaulter during the current year, in discharge of the arrear [and interest] due from him. The whole of the provisions in the above section are also to be considered in full force; except that the injunction to the aumeen to collect according to the engagements subsisting between the defaulter and his under-tenants, is not to be considered applicable to engagements evidently collusive, which may have been contracted in expectation of the attachment, with a view to prevent the officers of Government from receiving the just rents during the continuance of it. In such cases, the aumeen is to collect according to the established rates and usages of the per-

Attachments under preceding section when to be withdrawn.

Account to be rendered in such cases.

Receipts from attached lands how to be credited.

See Sec. iv. Reg. V. 1812, and Sec. vii. Act I. 1845.

Provisions in Sec. vi. of Reg. XIV. 1793, still in force, with a qualification to prevent collusion.

Further provision against anticipation of the rents.

gunnah, as he is directed to do in cases where no engagement exists between the defaulter and his under-tenants. It is further hereby declared, that after the promulgation of this Regulation no anticipation of the rent will be admitted in cases of attachment. The landholders and farmers are forbidden to demand or receive, and the ryots and other under-tenants are forbidden to pay, any part of the rents receivable by the former and payable by the latter, before the stipulated or usual period of payment, according to the kistbundy or other engagement, or established local usage; and no person hereafter making anticipated payments against this prohibition, or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the officers of Government who may attach the lands or farm, or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant under the provisions contained in this Regulation. *Nor shall credit be allowed for any payment made to a defaulter after proclamation of the attachment of his estate or farm, until further proclamation be made that such attachment has been withdrawn; unless it can be clearly shown that such proclamation, which is to be made as public as possible throughout the attached lands immediately on the attachment's taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided, however, that nothing herein contained shall be understood to exonerate the defaulter from crediting to his under-tenants, or otherwise accounting for, all sums received by him, whether in anticipation of the rents or subsequent to the attachment of his estate or farm, the above restrictions having reference to the attachment only.*

Prohibition, under penalties, to landholders, farmers, and their tenants, to receive or pay the rents by anticipation

Credit not to be allowed for any payment made to a defaulter after proclamation of the attachment.

Exception.

Proviso.

Fourth. [*In all cases of attachment, the village putwarries required to be appointed by the original rules for the decennial settlement, and by Section LXII. of Regulation VIII.* 1793, *will of course be bound to furnish the collector and the aumeen, or other officer deputed by him, with the accounts directed to be kept by them: and the collectors are hereby required to take immediate measures for ascertaining whether the putwarries have been universally appointed throughout their respective districts, as enjoined in the above section, as well as to cause their immediate appointment where they may be found wanting, by requiring instant compliance from the landholders with the Regulation in question, under the penalty prescribed in the ninth clause of the section above mentioned; which, if necessary, they are to proceed to enforce in the mode therein provided. It is, at the same time, hereby explained, that it was not meant by the above Regulation to require the proprietors of small estates, who may superintend their own lands and be unable to afford the expense of a putwarry, to appoint officers of this description for the purposes mentioned in Section LXII. of Regulation VIII.* 1793; *but in such cases the proprietors themselves are, when required, to furnish the accounts and information specified in the above section, in like manner as the putwarries are required to furnish the same, and under the same provisions.*] *Defaulting proprietors and farmers of land, whose estates or farms may be attached under this Regulation, are also required to furnish the collectors with any accounts that may be required from them relative to the jumma, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the collector, aumeen, or other officer appointed by him. Any proprietor or farmer*

Accounts to be furnished by putwarries in cases of attachment

Rescinded by Sec. ii. Reg XII. 1817.

Collectors to take measures for general appointment of putwarries according to Reg. VIII 1793.

Explanation of Sec lxii. Reg. VIII 1793, *with respect to small estates managed by the proprietors.*

farmers, of attached lands to furnish the collectors with any accounts required from them in their possession.

And to cause their agents to attend the collector or officer appointed by him.

Superseded by Cl. 2, Sec ii Reg. XI. 1822 See Sec xxviii Reg. XII. 1817.

who, on receiving a written requisition from the collector under his official seal and signature to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the Board of Revenue, with the sanction of the Governor-General in Council, may think proper to impose upon him on the collector's report of the circumstances of the case; and the Governor-General in Council reserves to himself the power of ordering the imprisonment of any landholder or other person, who may persist in refusing to deliver up the accounts required from him in any particular instance.

Penalty for non-compliance with this rule.

See Cl. 2, Sec. ii. Reg. XI. 1822, and Sec. ii. Act I. 1845.

Fifth. If any arrear remain due from a proprietor of land at the close of the current year, the collector, immediately on the expiration thereof, is to report the amount to the Board of Revenue, and at the same time transmit a statement of his lands for sale, sufficient to make good the arrear [*and the interest due thereupon to the time of sale*], to be disposed of according to the rules prescribed for public sales on account of arrears of revenue; and if the whole arrear cannot be recovered from a sale of the defaulter's lands, the deficiency will be recoverable from any other property he may possess, or by imprisonment of his person, as prescribed in Section XIV. of Regulation III. 1794.

Arrears due from landholders at the close of the year to be reported to the Board of Revenue.

With a statement of lands for sale, to make good the arrear *and interest.*

Arrears irrecoverable from a sale of the lands to be realized from other property or by imprisonment.

Sixth. If any arrear remain due from a farmer of land at the close of the current year, any land or property belonging to the defaulter, or his surety, is to be brought to public sale* as soon as possible after the close of the year, according to the rules prescribed for such sales, and as provided in Section XXIII. of Regulation XIV. 1793, it will be at the option of the Governor-General in Council either to cancel the lease of the defaulter from the commencement of the ensuing year, or to compel the defaulter or his surety to perform the conditions of the lease until the term of it shall expire. If the Governor-General in Council shall annul the lease, the defaulter, after making good the arrear due from him to Government, is to be at liberty to prosecute the dependent talookdars, under-farmers, or ryots, included in his farm, for any arrears of rent due to him on account of the period during which his lease remained in force, as provided in the latter part of the section above mentioned, the preceding part of which is superseded by the rules now enacted. The provisions contained in Section XXIV. of Regulation XIV. 1793, respecting the attachment of the landed property of sureties for farmers of land, or of sureties for proprietors of land (in cases where they may have given security), are moreover still to be considered in full force (under the alterations made by this Regulation with respect to the attachment and sale), when the persons for whom they are bound may be confined, or their lands and farms attached under this Regulation; and the above rule is hereby extended to landed property of defaulting farmers which can be attached, and which in such case is to be brought under attachment at the same time that their farms are attached under the present Regulation, subject to the same provisions for withdrawing the attachment on payment of the arrear.

Arrears due from farmers at the close of the year to be recovered by a sale of their property and that of their sureties.

And the lease of the defaulter may be annulled.

Defaulter, after paying his arrear to Government, may sue for recovery of any rents due to him.

See Cl. 2, Sec. ii. Reg. XI. 1822.

Sec. xxiv. of Reg. XIV. 1793, respecting attachment of lands of sureties, still in force.

And extended to landed property of farmers.

Subject to provisions in this Regulation.

See Sec. xi. Act I. 1845.

Seventh. The discretion given to the collectors by Section VIII. of Regulation XIV. 1793, to suspend the exercise of the powers vested in them by that Regulation, in cases of drought, inundation, or other calamity of season, or cause of failure not originating in the neglect, mismanage-

In what cases the collectors are to suspend exercise of the powers hereby vested in them.

* Sales under this clause and under Sec. xxv. are to be made by collectors or their assistants—see Act VIII. 1835.

ment, or misconduct of the defaulter, is to be considered equally applicable to similar cases under the present Regulation; and the collector, in such cases, is to suspend the exercise of the powers now vested in him: but, as before required, he is immediately to report the circumstances to the Board of Revenue, with his reasons for not proceeding against the defaulter as directed, and is to be guided by their instructions. The Board of Revenue may suspend enforcement of the current kists, as well as of the interest due thereupon, in such cases; but are not to grant any ultimate remission of the amount demandable on the permanent assessment without the sanction of the Governor-General in Council, as already directed in Section LXIII. of Regulation II. 1793.

Report to be made to the Board of Revenue in such cases.

Board may suspend current kists and interest.

But not grant any remission on the permanent assessment without the sanction of Government.

Eighth. [*Nothing in this Regulation is to be understood to preclude the Governor-General in Council from ordering a sale of land, or other property, for the recovery of arrears of revenue, within the current Bengal, Fussily, or Willaity year, in any particular case wherein he may judge it proper to order such sale within the year.*]

Power reserved to the Governor-General in Council to order the sale of land or other property within the year, in particular cases.

Superseded by Sec. iii. Act I. 1845.

XXIV. The provisions contained in Sections XV. XVI. XVII. XVIII. XIX. XX. and XXI. of Regulation XIV. 1793, for cases of disobedience or resistance to the processes against defaulting proprietors or farmers and their sureties, authorized by that Regulation, are declared equally applicable to cases of disobedience or resistance to the processes authorized by the preceding sections of this Regulation. *As, however, under Section II. of Regulation V.* 1798, *the decrees of the Provincial Courts of Appeal are declared final to the amount of five thousand sicca rupees, that amount, instead of one thousand rupees (beyond which sum the judgments of the Provincial Courts were appealable to the Sudder Dewanny Adawlut, when Regulation XIV.* 1793, *was enacted), is to be considered the standard for appeals to the Sudder Dewanny Adawlut, instead of one thousand rupees as specified in Sections XVI. XIX. and XXI. of that Regulation. The same principle is to be applied to all other parts of the Regulations in which an appeal was authorized to the Court of Sudder Dewanny Adawlut, antecedent to the enaction of Regulation V.* 1798, *for the limitation of appeals to that court.*

Provisions against disobedience or resistance in Reg. XIV. 1793, equally applicable under the present Regulation.

Limitation of appeals to the Sudder Dewanny Adawlut under Reg. V. 1798.

Superseded by the abolition of Provincial Courts and the rules for appeals from the Zillah Courts.

Above limitation applicable to all cases of appeal to the Sudder Dewanny Adawlut.

XXV.* When lands are attached by a collector, or other officer of Government, under the present Regulation, or become subject to a khas collection on the part of Government under any Regulation authorizing the same, or by any means come under the immediate management of the officers of Government, so that the rents are collected by them from the ryots, jotedars, dependent talookdars, under-farmers, or other descriptions of under-tenants, the collector, in addition to the power vested in him and in the officers employed under him, by Section XIX. and the preceding sections of this Regulation, is authorized, without any previous application to the Dewanny Adawlut, to proceed against defaulting under-renters, of whatever denomination, from whom arrears of rent may be due, and their sureties, in the same manner as he is authorized by Section XXIII. of this Regulation to proceed against sudder farmers paying revenue immediately to Government, and their sureties, if he shall consider this mode

Further powers vested in the collectors in cases of attachment or khas collection.

May proceed against defaulting under-renters in such cases and their sureties, as he is authorized to proceed against sudder farmers and their sureties.

* See note to Clause 7, Sec. xxiii.

of procedure more likely to be effectual in causing payment of the arrear due from them: and in such cases he is authorized to issue the process directed in Section V. of Regulation XIV. 1793, on the report of the tehseeldar, or other officer employed to make the collections, as in cases of arrears due from proprietors or sudder farmers whose revenue may be made payable to a tehseeldar; or the tehseeldar, or other collecting officer, may, in particular cases, where he may have reason to apprehend the elopement of the defaulter or his surety, himself arrest and convey him to the collector, under the provisions contained in the second clause of Section XXIII. of this Regulation. In all such cases, however, the collector, before he delivers over the parties to the Dewanny Adawlut, is to satisfy himself that the arrear stated by the tehseeldar or other mofussil officer is justly due; and he is at liberty to keep the alleged defaulter under mofussil peons during the inquiry that may be necessary for this purpose, although the period should exceed the ten days limited by the above section: but all such inquiries are to be brought to a conclusion with the least possible delay.

Provision for ascertainment of the arrears due from persons arrested under this rule by tehseeldars or other mofussil officers.

See Sec. x. Act I. 1845.

XXVI. The provisions in the preceding section are meant to include the estates of disqualified landholders under the management of serberakars appointed by the Court of Wards, under Section VIII. of Regulation X. 1793; which estates being exonerated from responsibility for the revenue assessed upon them, beyond what may be realized from the rents collected by the officers entrusted with the management of them, and experience having shown that the managers elected under the above section (which directs a preference to the legal heirs or other near relations of the proprietors, or in the event of there being no heirs or relations of this description, to creditable servants of the family, and allows female proprietors, not minors or otherwise disqualified, to recommend managers for their estates) are in general wholly disregardful of the public interest in the realization of the revenue assessed upon the estates committed to them, the above section is hereby rescinded, and the managers of the estates of disqualified landholders, which may be exonerated from responsibility for the public revenue assessed upon them, are to be hereafter chosen by the collector and approved by the Board of Revenue, without any regard to their connection with the proprietors, or to the will of the disqualified proprietors themselves in the election of such managers, who are to be considered in every respect the officers of Government acting under the collectors; and the latter will be held responsible for the nomination of proper persons, both as to character and capacity, for the trust. The collectors are further directed to take into immediate consideration the conduct of the present serberakars of the estates of disqualified landholders during the period they have acted as managers respectively; and if, from a deficiency in the collections, or misappropriation of their receipts, or other cause, they shall see reason to be dissatisfied with the conduct of any manager, they are to report the same to the Court of Wards, and propose the removal of such manager, with their recommendation of a person better qualified to succeed him.

Preceding section meant to include estates of disqualified landholders under the management of serberakars appointed by the Court of Wards.

Sec. viii. Reg. X. 1793, rescinded, and new rule enacted for the election of serberakars by the collectors.

Collectors to examine the conduct of the present serberakars and propose the removal of any with whom they may be dissatisfied.

XXVII. The restrictions contained in Section XLVIII. of Regulation XIV. 1793, [*against the confinement of joint proprietors of estates*

Superseded by

Restrictions in Reg. XIV. 1793, against

confinement of certain descriptions of landholders still in force.

As well as all rules, not rescinded, for the responsibility of the collectors and other public officers.

committed to the charge of managers appointed by the Board of Revenue, as well as] against the confinement of disqualified landholders, and female landholders of every description, are to be considered in full force under the present Regulation; as are all the rules in Regulation XIV. 1793, with respect to the personal responsibility of the collectors and other public officers, for the due exercise of the powers vested in them, which have not been expressly rescinded or modified by any other Regulation.

Secs ii and iii, Reg XVII 1805.

XXVIII. [Rules under which sales are to be made.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

XXIX. *First.* [Application of Clause Fourth, Section LXII. Regulation VIII. 1793, and extension of Section X. Regulation XLV. 1793, to cases of sales for arrears.]—*Superseded by the rescission of those enactments.*

Second to Fifth. [Rules for the conducting of sales.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

Board of Revenue to conduct sales of land under the Regulations.

Their responsibility, and objects to be attended to by them.

Collectors to propose, and Board of Revenue to approve, establishments of officers to be employed during the attachment of lands.

Objects to be attended to in proposing and approving such establishments.

Collectors also to nominate, and Board of Revenue to approve, the principal officers to be employed in the management of lands under attachment with their sureties.

Responsibility of collectors in all such appointments, as well as in all cases of a khas collection.

XXX. The Board of Revenue, who are hereafter to conduct the sales of land in the mode prescribed by the Regulations, without any reference to the Governor-General in Council, except in cases wherein they may require his instructions, are to consider themselves responsible for the careful execution of this duty, and are required to be particularly attentive to the proper selection of lands for sale by the collectors, as well as to the due allotment of the public assessment thereupon, in conformity to the Regulations. They are also authorized to fix the establishments of native officers which may be necessary during the attachment of lands for sale, the expense of which is to be defrayed from the produce of the lands, as provided in Section XXIII.; and statements of all such establishments are to be submitted by the collectors for their approval, as soon as possible after the attachment may take place. In preparing such statements, the collectors are to be careful not to propose a greater number of officers, or greater allowances to the officers employed, than may be indispensably necessary; and the Board of Revenue, in approving such establishments, are to give particular attention that this principle is duly observed. The collectors are also to nominate, for the approbation of the Board of Revenue, the aumeens and other principal native officers to be employed in the management of lands under attachment, with the sureties to be taken for their appearance, under Section XV. of Regulation III. 1794; and will be held responsible for the utmost regard to the qualifications and character of the persons so appointed by them, as well as in all cases wherein native officers may be appointed by them to the charge of a khas collection, whether under this or any other Regulation.

See Sec ii Reg XI 1822, and Secs. iii and iv. Act I 1845.

Board of Revenue to be guided by any special orders they may receive from the Governor-General in Council

To whom they are to apply in all cases unprovided for by the Regulations.

XXXI. In the execution of the duties vested in the Board of Revenue by this Regulation, as in all other cases, they are to be guided by any special orders or instructions which they may at any time receive from the Governor-General in Council (or Vice-President in Council), to whom they are to apply in all cases which they may consider unprovided for by the

Regulations; *or if it appear to them, in any case, that a new *Regulation* would be advisable to be printed and published *in the form prescribed by Regulation XLI.* 1793, they are to prepare such *Regulation* in the form so prescribed, with a letter stating at large the grounds on which it may be proposed, and copies of any documents therein referred to, which may not have been already transmitted to the Governor-General in Council. The collectors are also authorized to propose to the Board of Revenue, in the prescribed form, any *Regulations* regarding matters within their cognizance, which their local knowledge and experience may suggest to them as advisable to be adopted; and provided they are drawn out according to the form directed by *Regulation XLI.* 1793, the Board of Revenue are to forward the same to the Governor-General in Council, whether they approve the *Regulation* proposed or otherwise. If they disapprove it altogether, they are to state the reasons of their disapproval in a letter to the Governor-General in Council, to accompany the *Regulation* proposed by the collector, or a copy of it, and copies of any letter and documents received from him in explanation of it. If they disapprove it in part only, and are of opinion that the remainder should be enacted into a *Regulation*, with any amendments they may think advisable, they are to state their objections to the part disapproved, and at the same time to submit to the Governor-General in Council a draught of the *Regulation* they judge expedient, with any requisite explanation of the amendments proposed by them.

Or may propose a new *Regulation in the form prescribed by Reg. XLI.* 1793.

Collectors also authorized to propose new *Regulations* in the prescribed form to the Board of Revenue;

Who are to forward the same, with their sentiments, to the Governor-General in Council.

A.D. 1799. REGULATION VIII.

Reg. VIII. 1799.

A REGULATION *for certain Modifications of the Mahomedan Law in cases of Murder; and to explain Parts of Regulation XXI.* 1795, *and Regulation V.* 1797, *in Cases of Dhurna:* PASSED *by the Right Honourable the Governor-General in Council, on the* 10*th October*, 1799.

I. THE provisions contained in Regulation IV. 1797, have prevented the obstruction to public justice, which, in the administration of the Mahomedan criminal laws, had been found to arise from the influence allowed by them in cases of murder to the heirs of the slain; under which influence the murderer, though fully convicted, might escape the punishment due to his crime, by the pardon of, or a compromise with, such heirs of the deceased as were entitled to demand kissaus or retaliation. All operation of the will of the heirs in cases of murder is now done away by Sections III. and IV. of the above Regulation, which require the law officers to give their futwa, and authorize the Nizamut Adawlut to pass their sentence, on the supposition that all the heirs of the slain entitled to prosecute for kissaus have attended, prosecuted, and demanded kissaus.

* Under Secs. 52, 53, and 54, of the Statute 3 & 4 Wm. IV. cap. 85, the duty of suggesting alterations in the laws devolves upon the Law Commissioners.

But cases of wilful murder, in which the party convicted is not, under the Mahomedan law, liable to capital punishment by kissaus, from the heirs of the slain not being legally entitled to demand kissaus, from the relation of parent and child, master and slave, or otherwise, though directed to be referred for the sentence of the Nizamut Adawlut by the above Regulation, have not been otherwise provided for; and according to an exposition of the Mahomedan law since given by the law officers of that court, a father or mother, or grandfather and grandmother, wilfully murdering their child or grandchild, or murdering any person of whom their child or grandchild may be one of the heirs, cannot be sentenced to suffer death by kissaus; nor can such sentence be passed against a master for the murder of his slave, or against any one for the murder of a slave appropriated by his owner to the service of the public, nor against a person wilfully killing another at the desire of the party slain: and if any of the persons above mentioned be concerned with others in the perpetration of wilful murder, their exemption from kissaus precludes the infliction of capital punishment (except under the discretion allowed in all cases of tazeer and seeasut) upon any of their accomplices. In these and similar instances, therefore, the Mahomedan law of retaliation being obviously and essentially repugnant to the principles of public justice, the Right Honourable the Governor-General in Council has passed the following rules in modification thereof, to be in force throughout the provinces of Bengal, Behar, Orissa, and Benares, from the 1st February, 1800. Moreover, the provisions contained in Regulations XXI. 1795, and V. 1797, relative to the offence of dhurna, having been found to require some explanation, Section VI. of the present Regulation is added for this purpose.

In what cases of wilful murder the Nizamut Adawlut may pass sentence of death, although the futwa of their law officers declare the prisoner not liable to kissaus.

II. In every case of wilful murder, wherein the crime may appear to the Court of Nizamut Adawlut to have been fully established against the prisoner, but the futwa of the law officers of that court shall declare the prisoner not liable, under the Mahomedan law, to suffer death by kissaus, solely on the ground of the prisoner's being father or mother, grandfather or grandmother, or other ancestor of the slain, or of the heir of the slain; or one of the heirs of the slain, being the child or grandchild, or other descendant of the prisoner; or of the slain having been the slave of the prisoner or of any other person, or a slave appropriated for the service of the public; or on any similar ground of personal distinction, and exception from the general rules of equal justice, the Court of Nizamut Adawlut, provided they see no circumstances in the case which may render the prisoner a proper object of mercy, shall sentence him to suffer death, as if the futwa of their law officers had declared him liable to kissaus; or to suffer death by seeasut, as authorized by the Mahomedan law in all cases of wilful murder, under the discretion vested in the magistrate with regard to this principle of punishment for the ends of public justice.

Desire of the party slain to be put to death, no justification of wilful homicide, after the period fixed for enforcement of this Regulation.

Sentence of death to be passed in such cases,

III. After the period fixed for the enforcement of this Regulation, it shall not justify any prisoner convicted of wilful homicide, that he or she was desired by the party slain to put him or her to death; and in the event of the prisoner being convicted of the fact to the satisfaction of the Nizamut Adawlut, and of their seeing no circumstances in the case which may render him or her a proper object of mercy, they shall sentence him or her

to suffer death, whatever may be the futwa of their law officers under the Mahomedan law; which in this instance also, although it withholds kissaus, gives a full latitude to the magistrate in the discretionary punishment of tazeer or seeasut: and experience has shown the necessity of inflicting the punishment for murder in such cases, to preserve the lives of many from the effects of passion or revenge, aided (especially in the province of Benares) by the erroneous prejudices of superstition.

unless the prisoner be an object of mercy.

IV. If the futwa of the law officers of the Nizamut Adawlut declare any person convicted of wilful murder not liable to suffer death under the Mahomedan law, on the ground of one or more of his accomplices being exempted from kissaus under any of the circumstances recited in Sections II. and III. of this Regulation, or on any similar ground of exemption, the Court of Nizamut Adawlut shall, notwithstanding such futwa, sentence the prisoner to suffer death, if in their judgment he be duly convicted and be not a proper object of mercy: and in all cases, if the accomplice in a wilful murder, though not the principal perpetrator of the murder, shall appear to the Nizamut Adawlut fully convicted and deserving of death, they are authorized, under the discretion given by the Mahomedan law in such cases, to sentence the prisoner to suffer death, whether the futwa of their law officers declare the same or otherwise.

What sentence to be passed by Nizamut Adawlut against persons convicted of wilful homicide, but declared not liable to death under the Mahomedan law, on the ground of their accomplices being exempted from kissaus.

Accomplices in wilful murder, though not the principal perpetrators, may be sentenced by Nizamut Adawlut to suffer death.

V. It has been already declared in Section LXXV. Regulation IX. 1793, that the distinctions made as to the mode of committing murder by the Emaums Eusuf and Mahomed (according to whose doctrines the law officers of the Nizamut Adawlut are required to give their futwas) shall not be adhered to by that court; but that the intention of the criminal, inferable from the nature and circumstances of the case, and not the manner and instrument of perpetration (except as evidence of the intent), shall constitute the rule for determining the punishment. It is further hereby expressly declared, that wilful homicide by poison or by drowning, when the intention of poisoning or drowning may be evident, is included in the above rule; and that, in all such cases, the Nizamut Adawlut (whatever may be the futwa of their law officers) are to sentence the prisoner to suffer death, provided they judge him fully convicted of wilful murder and do not consider him a proper object of mercy.

Sec. lxxv. of Reg. IX. 1793, explained, and declared to include cases of wilful homicide by poison or drowning.

Sentence to be passed by the Nizamut Adawlut in such cases.

VI. [Punishment for dhurna.]—*Rescinded by Section II. Regulation VII.* 1820.

Reg. IX. 1799.

A.D. 1799. REGULATION IX.

A REGULATION *for further providing against Resistance to the Processes of the Civil Courts in the Cities of Dacca, Moorshedabad, and Patna, as well as against Resistance to the Processes of the Civil Courts in general:* PASSED *by the Right Honourable the Governor-General in Council, on the 10th October*, 1799.

I. BY Section XXV. of Regulation IV. 1793, any person not being a zemindar, independent talookdar, or other actual proprietor of land, or a dependent talookdar, or a farmer of land holding a farm immediately of Government, who shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Court of Dewanny Adawlut established in any zillah, or in either of the three cities of Dacca, Moorshedabad, or Patna, on proof of the resistance, is declared liable to such fine to Government as may appear proper, upon a consideration of the situation and circumstances of the offender and the offence of which he may be convicted: but the provisions in Sections XXII. XXIII. and XXIV. Regulation IV. 1793, against resistance to the processes of the Zillah Courts by zemindars, independent talookdars, or other proprietors of land, or by dependent talookdars, or by farmers of land holding their farms immediately of Government, were not extended to the City Courts, as no persons of these descriptions were known to reside, or to possess lands or farms within the jurisdiction of the courts established in the above cities. It having been found necessary, however, to provide against resistance to the processes of the City Courts by persons of the above descriptions, the following rule is enacted by the Governor-General in Council for this purpose, to be in force from the date of its promulgation in the cities of Dacca, Moorshedabad, and Patna, respectively. A general qualification of the existing rules for the punishment of resistance to the processes of the Civil Courts is also enacted in Section III. of this Regulation, to be in force as soon as promulgated throughout the provinces of Bengal, Behar, Orissa, and Benares.

Secs. xxii. xxiii. and xxiv., Reg. IV. 1793, extended to the cities of *Dacca*, Moorshedabad and Patna.

II. Sections XXII. XXIII. and XXIV. Regulation IV. 1793, are extended and declared applicable to all instances of resistance to any process, rule, order, or decree of the Civil Courts established in the cities of *Dacca*, Moorshedabad, and Patna, by any zemindar, independent talookdar, or other actual proprietor of land, or dependent talookdar, or farmer of land holding a farm immediately of Government, with this further provision, viz.: if the offender possess no zemindarry, talook, or other landed property within the jurisdiction of the court, whose process he may have resisted or caused to be resisted, so that no decree of forfeiture can be passed against him in pursuance of Section XXII. Regulation IV. 1793, the offender, on proof of the charge against him, shall be liable to a fine to Government, to be adjudged and levied under the provisions contained in Section XXV. of the above Regulation.

Provision in case the offender possess no landed property within the jurisdiction of the City Courts.

III. In all cases of resistance to the process of any Zillah or City Court of Dewanny Adawlut in the provinces of Bengal, Behar, Orissa, or Benares, if the judge of the court whose process may have been resisted shall be of opinion that a fine to Government will be a more proper and adequate punishment for the offence than a forfeiture of the offender's estate or farm, under the provisions contained in Sections XXII. XXIII. and XXIV. Regulation IV. 1793, and Sections V. VI. VII. and VIII. Regulation VIII. 1795, he is authorized, instead of the decree of forfeiture directed by the above Regulations, to adjudge the offender to pay such fine to Government as may appear proper, upon a consideration of his situation and circumstances in life and the offence of which he may be convicted, as provided with regard to persons not being landholders or farmers of land by Section XXV. Regulation IV. 1793, and subject to the provisions in that section for an appeal from the judgment of the court. Further, in cases wherein a decree for the forfeiture of an estate, or farm may be passed and transmitted to the Governor-General in Council under the Regulations above mentioned, instead of such decree being considered final and carried into execution, unless the Governor-General in Council shall order its commutation to a fine within four weeks after the decree shall have been received by him, the decrees in question shall not be hereafter deemed final until confirmed by the Governor-General in Council, and shall not be carried into execution until notice of his confirmation be received.

In what cases a fine may be substituted for the judgment of forfeiture directed by Secs. xxii. xxiii. and xxiv. Reg. IV. 1793, and Secs. v. vi. vii. and viii. Reg. VIII. 1795.

Decrees for the forfeiture of estates or farms under above Regulations not to be deemed final, or carried into execution, till confirmed by Governor-General in Council, and notice of his confirmation be received.

A.D. 1799. REGULATION X.

Reg. X. 1799.

A REGULATION *to prevent Delay in the Transmission of the Records of Trials referred to the Court of Nizamut Adawlut:* PASSED *by the Right Honourable the Governor-General in Council, on the* 17*th October*, 1799.

I. A CONSIDERABLE delay having, in some instances, taken place in the transmission of the records of trials held before the Courts of Circuit, which under the Regulations are referable to the Court of Nizamut Adawlut; and it being essential to the ends of justice that such delay should be obviated, as well to prevent the lengthened confinement of prisoners who may be ultimately acquitted by the Nizamut Adawlut, as to expedite the punishment of those who may be convicted, the Governor-General in Council has enacted the following rules for this purpose, to be in force as soon as the same may be received by the Courts of Circuit in Bengal, Orissa, Behar, and Benares.

II. The judges of the *Courts of Circuit before whom the half-yearly gaol deliveries for the several zillahs and cities in the four provinces may be held, under the existing or any future Regulations*, shall, as soon as possible after the close of any trial referable to the Nizamut Adawlut, and with no further delay than may be necessary to transcribe the proceedings held

Judges of circuit to transmit to the Nizamut Adawlut, as soon as possible after the close of trials referable to that court, a counterpart of the original

record, with an English letter stating their opinion on the case.

In what manner such record is to be authenticated, and what it is to contain.

thereupon, transmit to the Court of Nizamut Adawlut a complete and exact counterpart of the original record of all proceedings held and papers received relative to such trial, with an English letter, stating their opinion on the evidence and on the guilt or innocence of the prisoners. The record to be so transmitted is to be authenticated by the signature of the judge and seal of the law officer before whom the trial may have been held, and is to include the whole of the proceedings held before the *Court of Circuit*, with every examination, exhibit, or material paper, of whatever denomination, taken by, or delivered to that court, and the Persian translations of all examinations taken down in any other language than the Persian, in conformity to Section VII. Regulation IV. 1797. The whole of the proceedings and papers received from the magistrate upon the case referred are also to be annexed to, and transmitted with the proceedings of the *Court of Circuit;* but any variations between the depositions of the witnesses before the magistrates and *Courts of Circuit* are to be carefully noticed on the proceedings of the latter, as directed in the seventh clause of Section VII. Regulation IV. 1797; and any confessions of the prisoners before the magistrate, any inquest taken in cases of homicide, or any other evidence appearing on the proceedings of the magistrates, are to be entered with the necessary proofs on the proceedings of the *Court of Circuit.*

See Act XXIV 1837.

Proceedings and papers received from the magistrates to be also transmitted

But variations in the depositions of witnesses, confessions of prisoners before the magistrates, inquests, and other evidence on the proceedings of the magistrates to be entered, with proofs on the proceedings of the *Courts of Circuit.*

The translator to the Nizamut Adawlut to make, or cause to be made, English translations of the proceedings of the *Courts of Circuit,* transmitted under the preceding section, as soon as possible after the receipt thereof

And if unable, with his assistants, to make an early translation, may, with the sanction of the court, cause the same to be made by any competent person, *at the rates established by Sec. v. Reg. XIX.* 1797.

Restriction.

III. The *translator* * to the Nizamut Adawlut, on receipt of the trials transmitted to that court under the preceding section, shall as soon as possible make, or cause to be made, by his assistants, a true and faithful translation into the English language of the whole of the proceedings held before the *Court of Circuit,* with any confessions of the prisoners before the magistrate, and such other parts of the magistrate's proceedings as may have been entered upon the proceedings of the *Court of Circuit.* If the *translator* to the Nizamut Adawlut and his official assistants be unable, on any particular occasion, from the pressure of other business, to make an early translation of the proceedings and papers so received, he may, with the court's sanction, cause the same to be translated by any other competent person, *at the rates established by Section V. Regulation XIX.* 1797; and the person making such translations, who is to subscribe his signature thereto, will be held responsible for their accuracy. But no translation is to be made by any *other* person *than the Persian translator to the Nizamut Adawlut and his official assistants,* without the sanction of the court.

* For translator in this section substitute register.—See Sec. xvii. Reg. II. 1801, by which the office of translator was abolished; and Sec. xviii. which lightens the requirements from the Provincial Courts.

A.D. 1800. REGULATION I.

Reg. I. 1800.

A REGULATION *for the Appointment of Guardians to the Persons of minor orphan Zemindars and others, Proprietors of Shares in joint undivided Estates, not subject to the Jurisdiction of the Court of Wards, when the Parents shall not have left any Guardians to their Children by Will:* PASSED *by the Governor-General in Council, on the 2nd January,* 1800.

BY Section III. Regulation X. 1793, it is declared, that the superintendence of the Court of Wards shall not extend to joint proprietors of estates paying revenue immediately to Government, both or all of whom may not be females deemed by the Governor-General in Council incompetent to the management of their own estates, or minors, idiots, lunatics, or others rendered incapable of the management, by natural defects or infirmities of whatever nature; and by Section XXIV. Regulation VIII. 1793, it is enacted, that where part of the proprietors of such estates are minors, lunatics, idiots, or others having guardians, such guardians are to act for them in the election of a serberakar or manager; but no provision is made for the nomination of a guardian where no person has been appointed to this trust by the parents of such orphan children, lunatics, or idiots. By Section III. Regulation V. 1799, it is also declared, that in case of a Hindoo, Mussulman, or other person, subject to the jurisdiction of the Zillah or City Courts, dying intestate, but leaving a son or other heir, who by the laws of the country may be entitled to succeed to the whole estate of the deceased, such heir, or the nearest of kin (if the heir be under age or incompetent to the management of the estate, and no guardian shall have been appointed), who by the law or usage of the country may be authorized to act for him, is not required to apply to the court of justice previously to taking possession of the estates of the deceased, provided possession can be obtained without violence. But cases have occurred, and may occur hereafter, in which, from the character of the nearest of kin, or other circumstances, it may be improper that he should be vested with this authority; with a view, therefore, to provide for all cases of the nature above described which now exist, or shall occur hereafter, the following rules have been enacted, to be considered in force in the provinces of Bengal, Behar, Orissa, and Benares, from the date of their promulgation.

Zillah judges authorized, under certain circumstances, to nominate guardians to disqualified landholders not subject to the authority of the Court of Wards.

I. In all cases of joint undivided estates, when one or more of the proprietors shall die leaving heirs who are under age, lunatics, or idiots, and without nominating by will a guardian or guardians to the heirs, it shall be the duty of the judge within whose jurisdiction such estate may be situated (or the principal part of it, in the event of its being situated in two or more jurisdictions), on the receipt of a report from the collector, or from any other person or persons interested in the welfare of the family of the deceased, stating the grounds on which he or they may consider the next of kin as unfit to be entrusted with the care of the

person or management of the estate of the heir, to investigate the nature of the objections to the nearest of kin, and if satisfied himself that they are well-founded, the judge shall nominate some other person of character and respectability to act as guardian of the heir, reporting the circumstance, in every instance, to the Court of Sudder Dewanny Adawlut.

Rules for the selection of guardians.

II. In the selection of guardians to be appointed under this Regulation, the judge is to attend particularly to their capacity, character, and responsibility; but the guardianship is, in no instance, to be entrusted to the legal heir of the ward or other person interested in outliving him.

Compensation to the guardian for his trouble, when necessary, to be fixed by the judge.

III. It is expected that some friends of the family of the deceased will gratuitously discharge the trust of guardian; but if, on any occasion, it may become necessary to make a pecuniary compensation to the person appointed to act as guardian, the amount of such compensation is to be fixed by the judge on a due consideration of the circumstances of the case.

Guardians to be furnished with a commission and to give security.

IV. The guardians appointed under this Regulation are to be furnished with a commission, under the official seal and signature of the judge; but previously to the delivery of it, they are to give security for their appearance during the continuance of their trust, and to execute the following obligation:

"I, A. B., having voluntarily taking upon myself the guardianship of C., proprietor of a ——— anna share of the estate of D. do hereby solemnly, promise and engage to execute to the trust committed to me zealously and faithfully to the best of my judgment, and according to the regulations which have been or may be prescribed for the guidance of guardians by the Governor-General in Council; I will derive no advantage myself, directly or indirectly, from any moneys belonging to my ward which may come into my hands in the execution of my trust, beyond the compensation granted me for my superintendence, nor will I knowingly suffer any other person to derive therefrom any such undue advantage. I also promise and engage to render a true and just account of whatsoever may be received by me on account of my ward above mentioned, when required to do so by any competent authority; and in the event of its being proved that I have been guilty of any embezzlement, or of any breach of trust injurious to his (or her) property, I hereby bind myself, my heirs and successors, to make good treble the amount of the embezzlement or injury so proved against me."

Duties to be performed by the guardians.

To vote in the election of managers.

V. Guardians appointed under this Regulation are to have the care of the person, maintenance, and if a minor, the education of the ward. They are also to vote in the election of a manager for the joint undivided estate, as prescribed in [*Sections XXIII. and XXIV. Regulation VIII.* 1793]; and the manager is to account to them for such portion of the profits arising from the estate as their wards may be entitled to receive, on a fair distribution thereof amongst all the joint proprietors.

See Sec v. Reg. XVII 1805.

Rescinded by Sec. ii Reg. XVII. 1805

Estates under charge of managers so elected liable to be sold for balance of revenue.

VI. Estates under charge of a manager elected, as stated in the foregoing section, shall be held answerable for the payment of the revenue

See Secs iii and iv. Reg. XVII. 1805.

assessed thereon; and nothing contained in this Regulation shall be considered as exempting the lands from sale, for the realization of any balances which may at any time become due to Government.

Mode in which redress may be obtained by persons considering themselves aggrieved by any acts performed by the zillah judges under this Regulation.

VII. If any person shall think himself aggrieved by any act done by any of the zillah judges in the exercise of the authority vested in them by this Regulation, he is at liberty to state his complaint by petition, either to the judge in person or to the Court of Sudder Dewanny Adawlut; and whenever any such complaint shall be made, the judge is to certify a copy of the petition, and of all his proceedings in the case to which it relates, to that court, who are authorized to confirm or rescind his decision as to them shall appear just and proper, and their judgment in all such cases is hereby declared to be final. All proceedings and papers which may be submitted to the Sudder Dewanny Adawlut under this section are to be accompanied by true and faithful translations into the English language.

See Sec. xviii. Reg. II. 1801.

A. D. 1800. REGULATION II.

Reg. II. 1800.

A REGULATION *for laying open to public Use the Stone Quarries at Chunar, Ghazeepore, and Mirzapore, in the Province of Benares, subject to a fixed Duty:* PASSED *by the Governor-General in Council, on the* 16*th January*, 1800.

I. THE stone quarries at Chunar, Ghazeepore, and Mirzapore, in the province of Benares, have been hitherto worked for the exclusive use of Government, and either let in farm, under the provisions contained in Sections LXXXI. and LXXXII. of Regulation XXII. 1795, or managed (since August 1797) by an agent, who disposed of the stones, at stated prices, chiefly in the city of Benares. With a view to encourage the excavation of the quarries, and bring a greater quantity of stones to sale for the general convenience of builders and others, a notification was published, under date the 9th April, 1799, that the stone quarries in the province of Benares had been laid open for public use, subject to a duty, the rates of which would be subsequently published for general information. In pursuance of this notification, and for the purpose of determining the rates of duty upon all stones quarried by individuals subsequent thereto, or which may be hereafter quarried under this Regulation, the following rules have been enacted by the Governor-General in Council, to be considered in force, as far as they respect the rates of duty, from the 9th day of April last, and in all other respects from the period of their promulgation in the province of Benares.

All persons, *except British-born subjects*, permitted to quarry stones.

II. All native inhabitants of the Company's provinces, and all other persons *not being British-born subjects, as well as such British-born subjects as have been or may hereafter be permitted to reside in the province of Benares for the purpose of carrying on any trade or manufacture, under the*

restrictions contained in Regulation XXVIII. 1793,* are hereby declared at full liberty to excavate stones of every description from the quarries at Chunar, Ghazeepore, and Mirzapore, subject to the provisions contained in the following sections of this Regulation.

A fixed duty to be paid to Government previously to removal of the stones.

III. On all stones excavated from the quarries specified in the preceding section, a fixed duty shall be paid to Government, previously to the removal of the stones from the vicinity of the quarry where they may have been cut according to the under-mentioned rates, viz.

First. On the under-mentioned eight descriptions of stones, at whichever quarry excavated, the duty to be as follows:

Descriptions of Stones.	*Rates of Duty.*		
	Rs.	As.	
Dhoka, or small stones of various dimensions, usually sold by the 100 maunds	2	4	per 100 maunds.
Kolhoo, or sugar-cane mill-stones, 1st sort, called burheea	8	0	per stone.
2nd sort, called surhee	7	0	ditto.
3rd sort, called kolhoo bindra chul	5	0	ditto.
Janta, a species of hand-mill stone	12	8	per 100 pieces.
Chukkee ..... ditto	6	4	ditto.
Sil ..... ditto	4	14	ditto.
Ditto, 2nd sort, less than a foot in breadth	3	4	ditto.

Secondly. On all other descriptions of stones the duty to be regulated by their solid contents in length, breadth, and thickness, as follows:

	Rs.	As.	Ps.	
Stones quarried at Chunar and Ghazeepore, and not exceeding in their solid contents four cubic feet	0	2	8	per cubic foot.
Ditto ditto, above four and not exceeding five cubic feet	0	4	0	per ditto.
Ditto ditto, exceeding five ditto	0	5	0	ditto.
Stones quarried at Mirzapore, of whatever dimensions	0	2	6	ditto.

Statements of the descriptions of stones, and the duty on each, to be affixed in the collector's cutcherry in the native languages.

IV. For the more full and ready information of stone-cutters and others, the collector of Benares is directed to prepare, in the Persian and Hindostanee languages, a detailed statement of the several descriptions of stones usually quarried at Chunar, Ghazeepore, and Mirzapore, showing the amount of the duty upon each, calculated according to the rates prescribed in the preceding section; and to keep the same constantly affixed in his cutcherry, as well as in some conspicuous place at each of the quarries, under the inspection of the darogahs to be stationed at them respectively. See Act XXIX. 1837.

Duty to be paid into the collector's treasury, and a rowannah to be granted by him.

V. The duty specified in Section III. is to be paid into the treasury of the collector of Benares; who, on receipt thereof (or in the event of the collector's absence, his head assistant on the spot) is to grant a rowannah,

* The right of natural-born British subjects to reside in India is regulated by 3 & 4 Wm. IV. cap. 85, secs. 81 to 84, and their right to acquire and hold lands is granted by Act IV. 1837.

under his official seal and signature, directed to the darogah of the station where the stones may have been quarried, specifying the exact quantity and descriptions of stones for which the duty may have been paid, and authorizing their removal from the quarry in consequence. This rowannah is to be delivered by the party receiving the same to the darogah to whom it is addressed, and to be kept by the latter as his authority for allowing the removal of the stones therein specified.

Exact lists of the stones, in prescribed forms to be delivered on application for rowannahs.

VI. To enable the collector to grant rowannahs as above directed, the party applying for the same shall, with his application, and at the time of paying the duty, deliver an exact list of the stones which have been quarried and for which the rowannah is desired, specifying the name of the quarry, the number and descriptions of the stones, and their weight, number of pieces, or solid contents (according as the duty may be payable upon either in conformity to Section III.), with any other particulars contained in the detailed statements to be prepared and published by the collector in pursuance of Section IV., which statements are to be considered by all persons applying for rowannahs as the prescribed forms for the lists herein required from them. To facilitate the preparation of such lists, and to prevent inaccuracies which might delay the removal of the stones and adjustment of the duties thereupon, it is further hereby provided, that when any quantity of stones may have been quarried, and the quarrier, or any person in his behalf, or to whom he may have sold or otherwise transferred the same, shall be desirous of obtaining a rowannah for their removal, the darogah of the quarry, with whom a sufficient number of measures are to be stationed for this purpose, shall, on application, cause the stones for which the rowannah may be desired to be accurately counted, weighed, or measured (according as the duty may be payable on the number, weight, or measurement), in the presence of the owner of the stones, or of such person as he may appoint, and the darogah thereon shall attest the lists of stones to be delivered to the collector, as well as cause the same to be attested by the officer who actually counted, weighed, or measured the stones, by subscribing thereto a certificate, under his signature, of the accuracy of the number, weight, and measurement therein stated.

How such lists are to be prepared.

Measures to be taken for preventing fraudulent attempts to evade the duty, and

VII. The darogahs of the stone quarries, on causing any stones to be measured in pursuance of the preceding section, are to affix some mark thereto, and shall also by some means mark the heaps of stones which may have been counted or weighed, so as to identify the whole of the stones included in the lists attested by them, and are to take such precautions as may be necessary to prevent any change of, or addition to, the stones so collected and examined, previous to the receipt of the collector's rowannah for their removal. If, in any instance, there should appear room for suspicion that the stones counted, weighed, or measured before the application for the rowannah, have been subsequently changed or added to, the darogah is to cause the same to be re-counted, weighed, or measured in his presence, and in the event of its being ascertained that any fraudulent change or addition, for the purpose of evading the duty, has been made, the whole quantity of stones, for the removal of any part of which such

penalty for such attempts.

fraud may have been attempted, will be liable to confiscation, under the provisions contained in Section XI. of this Regulation.

Rowannahs to be returned monthly to the collector with a report of the quantity removed.

The darogah to furnish chore chittees for each despatch of stones, free of any additional duty.

VIII. On the removal of the stones specified in the rowannah, the darogah is to endorse thereupon the date or dates of removal, with a certificate, under his signature, that the despatch has been made agreeably to the contents; and the rowannahs so endorsed are to be returned at the end of each month to the collector, with a report of the quantity of stones removed from each quarry within the month. The darogah, with every despatch of stones, is also to furnish the person by whom they may be taken from the quarry with a chore chittee or pass, under his official seal and signature, specifying the number and descriptions of stones taken away, and directing all officers of the quarry, and others, to allow the same to pass without molestation. No new duty, however, is to be levied upon such chore chittees (of which a regular record is to be kept by the darogahs, in such form as may be prescribed to them by the collector); nor are the quarried stones herein referred to, which are exempted from the customs by Section X. Regulation III. 1795, to be liable, in any part of the company's provinces, to any other duty than that specified in Section III. of this Regulation.

Charges of exaction beyond the prescribed duty, or corruption, cognizable in the courts of justice, and the penalties specified in Reg. XIII. of 1793, against ministerial officers of the courts, declared applicable to such cases.

IX. Any exactions, beyond the prescribed duty, by the officers stationed at the quarry, or by any other person, as well as all charges of corruption against any public officer or other person directly or indirectly entrusted with the execution of any part of this Regulation, are hereby declared cognizable in the city or zillah Dewanny Adawlut, within the jurisdiction of which such exaction or corruption may have taken place; and the penalties for extortion and corruption proved against the ministerial officers of the courts of justice and others, as well as the provisions for trying such charges, contained in Regulation XIII. 1793 (extended to Benares by Regulation XII. 1795), are hereby declared applicable to all similar charges which may be preferred and established, under the present Regulation, against the persons herein referred to.

The collector to nominate (for approbation of the Board of Revenue) the darogahs, who are to be sworn, and to give the security required in Sec. xv. Reg. III. 1794, and Secs. xv. to xxi. of that Regulation, declared to extend to all persons employed under the present Regulation.

Darogah's allowances, &c. how to be fixed, and the rules for their guidance to be furnished by the collector.

X. The collector of Benares is to nominate, for the approbation of the Board of Revenue, the darogahs to be stationed at the several stone quarries, and besides an oath, or solemn declaration, for the faithful execution of their respective duties, is to take from them the security prescribed in Section XV. Regulation III. 1794, the provisions in Sections XV. XVI. XVII. XVIII. XIX. XX. and XXI. of which Regulation are hereby declared to extend to all descriptions of native officers who may be employed under the present Regulation, and be entrusted with the receipt of money or the charge of accounts. The collector is to fix the allowances of the darogahs, and the necessary establishment of officers to act under them, subject to the confirmation of the Governor-General in Council, to be obtained through the Board of Revenue; he is also to furnish the darogahs with such rules and orders as, from experience, may appear most effectual to prevent the removal of any stones from the quarries without payment of the prescribed duty. See Act XXI. 1837.

Stones attempted to

XI. Any stones which may be clandestinely or otherwise removed from

the place of excavation, or place adjoining thereto where it may be usual to collect the stones when quarried, without paying the duty and obtaining the rowannah required by this Regulation, shall be liable to immediate seizure and confiscation to Government, together with the cattle and carriages which may be used for the conveyance of such stones, and all other property seized therewith, which may in anywise have been used, or intended for use, in the illicit removal of the stones in question. As an encouragement to the officers of Government to do their duty in making such seizures, and to all other persons to give information by which the same may be made, the following rewards shall be paid by the collector from the sale-produce of the stones and other property confiscated, as soon as the same shall have been disposed of by public sale, in pursuance of the succeeding section, viz. If the seizure be made by the public officers stationed at the quarries without information from any other person, a moiety of the sale-produce shall be given to them, and be divided amongst them in such proportions as the collector, on inquiry, may judge due to them respectively; or if the seizure be made by the public officers upon information from any other person or persons, a quarter of the sale-produce shall be given to the seizers, and another quarter to the informers, to be distributed by the collector as above directed. If any other person or persons than the officers stationed at the quarry shall both give the information and make the seizure, he or they shall be entitled to a full moiety of the sale-produce, without the participation of the officers of Government; who, on the contrary, shall be liable to dismission from office for their neglect, if the collector, on inquiry, shall find them deserving of it; and if there be sufficient evidence of any collusion on their part, they shall be prosecuted criminally for a breach of trust. But to prevent undue molestation to the stone-cutters, or persons who may purchase stones from them at the quarries, it is hereby required and directed, that no obstruction be offered to the free passage of any stones, on suspicion of their not having paid the established duty, beyond certain limits round the quarries, to be fixed by the collector, and within which it will be the duty of his officers to keep vigilant watch for the purpose of detecting and preventing any attempts to remove the stones without a regular pass from the darogah. Moreover, any seizure of stones, without sufficient grounds to warrant suspicion of an attempt to remove the same clandestinely or to evade the duty, will subject the seizers (unless reparation be made as directed in the following section) to a prosecution in the Civil Courts for damages; and such courts, on clear proof that the seizure was altogether unwarranted, and that due reparation has been refused, are required to adjudge full damages to the party injured, besides all costs of suit.

be removed without paying duty liable to seizure and confiscation, together with the carriages, &c.

Rewards to be paid as encouragement for making seizures, and in what proportions.

Punishment to the Government officers for neglect of duty.

Rules for preventing undue molestation to the stone-cutters or persons removing purchased stones.

XII. Whenever any seizure may be made under the preceding section, an immediate report thereof shall be transmitted by the darogah of the quarry to the collector of Benares, with a circumstantial statement of all particulars relative thereto; and the collector shall, as soon as possible, make such further inquiry as may be necessary, in the presence of the parties concerned if in attendance, or their authorized agents; after which, if it shall appear that the duty had been paid upon the stones seized, or that it was not intended to remove them from the quarry without payment of the prescribed duty, he shall cause them to be immediately released, and

Seizures to be immediately reported to the collector.

Rules for the guidance of the collector on receipt of such reports.

direct the party who seized them to make such reparation to the owner as may be adequate to the actual injury sustained by him, under penalty, for non-compliance, of being prosecuted in the Dewanny Adawlut for damages and costs, under the preceding section. If, on the contrary, it shall clearly appear to the collector that no duty has been paid on the stones seized, and that an attempt was made to remove them from the quarry without payment of the duty, he shall declare the same confiscated to Government, together with any cattle, carriages, or other property seized therewith, and liable to confiscation under the preceding section; and shall immediately advertise the same to be publicly sold at his cutcherry, on a day to be fixed for this purpose, and to be at least fourteen days after the date on which he may pass the order of confiscation. All persons whose property may be so confiscated and advertised, shall be at liberty, at any time within ten days after the date of the collector's order of confiscation, to appeal therefrom by a regular suit in the Dewanny Adawlut or the city of Benares; and the collector, if duly advised of such suit having been instituted, shall defend the same through the vakeel of Government, and postpone the sale till the determination of it, as well as conform to the judgment which may be passed thereupon, subject to the general rules for appeals. But all such suits shall be brought to a determination with the least possible delay; and if no notice of any suit having been instituted shall be served upon the collector before the appointed time of sale, he shall make the sale as advertised, and no subsequent claim or plea against the confiscation of the property sold shall be received in any court of justice. The judge of the city of Benares will, of course, take care that timely notice is given to the collector of all suits instituted under this section within the ten days prescribed; and he is not to admit any appeal from the collector's order of confiscation which may not be preferred within the period limited, unless satisfactory reason be assigned for the delay; nor, in any case, when the appeal may not be preferred in time to give notice of it to the collector before the appointed day of sale.

Appeals authorized to the City Court.

Board of Revenue to be furnished with reports of all confiscations, as well as any other accounts, &c. they may require from the collector.

XIII. The collector is to report to the Board of Revenue all confiscations and sales which may take place under the preceding section, as well as to furnish them with all other information, reports, and accounts, which may be required from him respecting the stone quarries and duties referred to in this Regulation, or any matter relating thereto.

Power of increasing or reducing the duty reserved to the Governor-General in Council.

XIV. The Governor-General in Council reserves to himself the power of increasing or reducing the rates of duty established by this Regulation if he should hereafter judge it proper, as well as to pass any further rules respecting the stone quarries in the province of Benares which may appear expedient.

Secs. lxxxi. and lxxxii. Reg. XXII, 1795, superseded; except Cl. 4 of Sec. lxxxii. exempting the inhabitants of the hills from payment of duty, which is to continue in force, and the collector is to give instructions for providing against the abuse of it.

XV. The provisions contained in Sections LXXXI. and LXXXII. Regulation XXII. 1795, are to be considered as superseded and done away by the present Regulation: except Clause Fourth of Section LXXXII. which exempts the inhabitants of the hills from the payment of any duty on stones quarried by them for their own use, and which exemption is still to continue in force; but the collector, in his instructions to the darogahs, is to provide against the abuse of it, in such manner as may be most

effectual; and if, notwithstanding, any attempts should be made to extend the exemption beyond the intended privilege to the hill people, the stones, to pass which such attempt may be made, will be liable to seizure and confiscation under Section XI. of this Regulation.

A.D. 1800. REGULATION III.

Reg. III. 1800.

A Regulation *for authorizing the Zillah Judges to refer to the Registers of their Courts Appeals from certain Decisions of the Native Commissioners appointed under Regulation XL.* 1793: Passed *by the Governor-General in Council, on the* 13*th February*, 1800.

[Superseded by the abolition of the office of register.]

A.D. 1800. REGULATION IV.

Reg. IV. 1800.

A Regulation *for preventing the Adulteration of common or alimentary Salt, by mixing with it "Kharee-noon" and certain other Substances:* Passed *by the Governor-General in Council, on the* 14*th March*, 1800.

[Rescinded by Section II. Regulation X. 1819.]

A.D. 1800. REGULATION V.

Reg. V. 1800.

A Regulation *for extending to the Province of Benares the Rules contained in Regulation VII.* 1799, *for enabling Proprietors and Farmers of Land to realize their Rents with greater Punctuality; as well as such other Parts of the above Regulation as are applicable to the Province of Benares:* Passed *by the Governor-General in Council, on the* 27*th March*, 1800.

I. The rules contained in Regulation VII. 1799, for enabling proprietors and farmers of land to realize their rents with punctuality in the provinces of Bengal, Behar, and Orissa, being equally applicable to the province of Benares, as well as the provisions in that Regulation respecting public sales of land for arrears of revenue, when such sales may be ordered by the Governor-General in Council, under Sections XVII. XVIII. and XIX. Regulation VI. 1795. For the extension of the above rules and provisions, with such other parts of Regulations VII. 1799, as are consistent with the rules prescribed in Regulation VI. 1795, for col-

lecting the land revenue in the province of Benares, the Governor-General in Council has enacted the following Regulation, to be in force from the date of its promulgation in the province above mentioned.

II. The talookdars, zemindars, and other landholders and farmers of land, empowered by Section II. Regulation XLV. 1795, to distrain the crops, cattle, [*&c. as in Section II. Regulation VII.* 1799, *substituting* "Section XXIX. Regulation XLV. 1795," *for* "Section XXII. Regulation XVII. 1793," and "Regulation XLV. 1795," *for* "Regulations XVII. 1793, and XXXV. 1795"].

III. Such part of Section V. Regulation XLV. 1795, as enacts that [*&c. as in Section III. Regulation VII.* 1799].

Notice of fifteen days directed in Sec. viii. Reg. XLV. 1795, and period of fifteen days fixed by Sec. xx. of that Regulation for sale of attached property, rescinded. Future notice to be given to defaulters.

See Sec. xiii. Reg. V. 1812.

IV. The rule for giving a notice of fifteen days for the sale of attached property, directed in Section VIII. Regulation XLV. 1795, and for allowing a period of fifteen days from the time of attachment for the sale of such property, by Section XX. of the above Regulation, is hereby rescinded, and the notice to the defaulter, directed to accompany the inventory of the attached property to be delivered to him, shall inform him only of the arrear due, and the intention of the distrainer to bring the attached property to immediate public sale for the discharge of it, unless the amount and expenses of attachment be previously paid. If the defaulter on receiving this notice shall neglect to pay the amount due from him, or to give such assurance of early payment as may be satisfactory to the distrainer, or if the defaulter shall have absconded or be otherwise absent so that the notice cannot be served on him, the distrainer is to transmit an inventory of such part of the attached property as can be brought to immediate sale to the nearest *cauzy or other** public officer empowered to sell distrained property, with a written request, that he will cause the same to be publicly sold for the discharge of the arrear due; the amount of which is also to be specified in the application, together with the place where the property may be in attachment, and (if it be the intention of the distrainer to remove it, under the discretion vested in him by Section X. Regulation XLV. 1795) the place to which it is intended to remove it. The *cauzy, or other** authorized officer, on receipt of such application is to proceed as directed in Section XX. Regulation XLV. 1795, under the following further provisions, viz. instead of fixing the day of sale on the fifteenth day after the attachment, he shall fix as early a day for the sale as may be compatible with a due observance of the other directions in that section for the appraisement of the property and the publication of the intended sale of it, which is to be made by beat of drum, on one market day, at the least, before the market day on which the sale may take place, as well as on the morning of the day of sale; and the sale is, in no instance, to take place before the expiration of five complete days after the attachment, exclusive of the day on which the attachment may have been made. The same principle is to be observed with respect to the sale of ungathered products, after the distrainer shall have gathered

Inventory and particulars to be transmitted by distrainer to *cauzy or other* officer empowered to sell distrained property.

Cauzy or other officer how to proceed on receiving applications for the sale of distrained property.

No sale to take place before expiration of five complete days after the attachment;

* It is enacted by Act I. 1839, that no person shall have authority by virtue of any office to sell property distrained for arrears of rent, and that it shall be lawful for the collectors to appoint commissioners for the sale of distrained property.

and stored them, as required by Section XI. Regulation XLV. 1795, and which are not to be sold until publication shall have been made as above directed.

or after storing products ungathered at the time of attachment.

V. [*Same as Section V. Regulation VII.* 1799, *substituting* "Section XX. Regulation XLV. 1795," *for* "Section V. Regulation XXXV. 1795."]

VI. VII. VIII. [Appointment of cauzies, commissioners, and others as distrainers.]—*Superseded by Act. I.* 1839.

IX. In addition to the penalties provided by Section XVII. Regulation XLV. 1795, it is hereby declared, [*&c. as in Section IX. Regulation VII.* 1799].

X. The restrictions in Section XIX. Regulation XLV. 1795, which prohibit [*&c. as in Regulation VII.* 1799, *substituting* "tehseeldar" *for* "darogah"].

XI. [*Same as Section XI. Regulation VII.* 1799.]

XII. It being a frequent practice with the under-tenants to lodge unfounded complaints in the Foujdarry Adawlut against persons attaching their property, as well as against the officers employed in collecting their rents, [*&c. as in Section XII. Regulation VII.* 1799].

Strictest observance required of Sec. xxxii. Reg. XLV. 1795.

Sec. xxii. Reg. III. 1794, extended to Benares.

Modified by Secs. ii. and iii., and see Sec. viii. Reg. VIII. 1831.

And native commissioners *under Reg. xxxi.* 1795, to determine suits respecting rent or revenue before any others depending.

Explanation of Sec. xxxi. Reg. XLV. 1795.

XIII. The Civil Courts are already directed by Section XXXII. Regulation XLV. 1795, to hear and determine all suits instituted under that Regulation, previous to any others that may be depending. They are, moreover, instructed to appropriate one day in each week, or two or more days, if necessary, for the trial of suits regarding the rent of land or the public revenue assessed thereon, in conformity to Section XXII. Regulation III. 1794, hereby extended to Benares; and in all cases cognizable by the native commissioners *appointed under Regulation XXXI.* 1795, the latter are to hear and determine suits respecting rent or revenue before any others that may be depending. It is further hereby declared, that Section XXXI. Regulation XLV. 1795, which authorizes persons whose property may have been distrained to sue for any injury sustained thereby in the zillah Dewanny Adawlut, and allows landholders and farmers of land to sue defaulters or their sureties in the zillah Dewanny Adawlut for arrears of rent, instead of distraining their property, if such mode of procedure be preferred by them, was not meant to restrict the native commissioners *appointed under Regulation XXXI.* 1795, from taking cognizance of any suits of the above description *not exceeding fifty sicca rupees*, whether preferred to them in the first instance in their capacity of munsiffs, or referred to them by the judge of the Dewanny Adawlut under the provisions contained in the above Regulation.

See Sec. iv. Reg. II. 1821, Reg. V. 1831, and Acts XI. 1836, III. 1839, and Sec. vii. Act VI. 1843.

Not meant to restrict native commissioners from taking cognizance of suits for rent or revenue not exceeding *fifty sicca rupees.*

XIV. *First.* [*Same as Clause First, Section XV. Regulation VII.* 1799.]

Second. [*Same as Clause Second, Section XV. Regulation VII.* 1799, *substituting* "Regulation XXXI. 1795," *for* "Regulation XL. 1793."]

Third. [*Same as Clause Second, Section XV. Regulation VII.* 1799, *omitting the words* "according to the rate established by Section III. of Regulation XIV. 1793."]

Fourth. [*Same as Clause Fourth, Section XV. Regulation VII.* 1799, *inserting after* "Regulation VIII. 1794," *the words* "extended to Benares by Section II. Regulation LIV. 1795."]

Fifth and Sixth. [*Same as Clauses Fifth and Sixth, Section XV. Regulation VII.* 1799.]

Seventh. If the arrear be not liquidated within the current Fussily year, either by the payments of the defaulter or his surety or by the attachment of his tenure, the talookdar, zemindar, or other proprietor of the land, [*&c. as in Clause Seventh, Section XV. Regulation VII.* 1799, *substituting* "zemindar" *for* "talookdar"].

Eighth. [*Same as the first part of Clause Eighth, Section XV. Regulation VII.* 1799, *stopping at the words* "if the case shall appear to deserve it."]

XV. [*Same as Section XVI. Regulation VII.* 1799.]

XVI. [*Same as Section XVII. Regulation VII.* 1799, *substituting* "XIV." *for* "XV."]

XVII. [No appeals from summary decisions—stamps to be used.]—*Superseded by Sections IV. and VII. Regulation VIII.* 1831.

XVIII. The rules in the whole of the preceding sections, for the recovery of arrears of rent due to proprietors and farmers of land, are to be considered equally applicable to the managers of estates, as well as to the collectors [*&c. as in Section XIX. Regulation VII.* 1799].

The foregoing provisions for the zillahs to be also in force in the city of Benares.

XIX. It is further to be understood, that whatever powers are vested in, and duties required from, the zillah judges, by any part of the preceding sections of this Regulation, are meant to be equally vested in, and required from, the judge of the city of Benares; and the whole of the foregoing provisions to be in force throughout the jurisdiction of the city judge, as far as the same may be applicable. The provisions in Section XIV. as far as they can be applied [*&c. as in Section XX. Regulation VII.* 1799, *substituting* "XIV." *for* "XV."

Punctuality expected from landholders and farmers.

XX. The foregoing rules will afford proprietors and farmers of land the means of realizing their rents with promptitude and facility, and the utmost punctuality will consequently be expected from them in the payment of their revenue to Government. The process by which the collector and tehseeldars are to realize the land revenue in the province of Benares has been prescribed in Regulation VI. 1795, and the following provisions are now made in addition thereto.

Provision in addition to Reg. VI. 1795.

XXI. [Interest on arrears.]—*Superseded by Section VIII. Regulation VII.* 1830—*the corresponding rule in Clause First, Section XXIII. Regulation VII.* 1799, *is rescinded by Section II. Regulation VII.* 1830.

Recapitulation of Sec. xiv. Reg. VI. 1795.

XXII.* By Section XIV. Regulation VI. 1795, it is prescribed, that "In all cases of the default or confinement of parties from whom revenue may be due, the collector is to issue directions to the tehseeldar of the district in which the lands of the defaulter may be situated, to levy the public revenue by realizing, in concert with the serishtadars, the defaulter's full share of the assessment on the crops to the end of the year, or until such time as he or his surety, in case he shall have given security, shall have paid up the balance, together with the charges of the peons who may have taken him into custody." It is further hereby enacted, that whenever a proprietor or farmer of land may subject himself to confinement, *and his estate or farm to attachment*, for arrears of revenue under the provisions contained in Regulation VI. 1795, but if the collector shall be of opinion that, instead of confining the person of the defaulter *and attaching his estate or farm*, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter and his surety, according to the prescribed process in Regulation XLV. 1795, and the preceding sections of this Regulation, whereby landholders and farmers are authorized to recover arrears of rent from their under-tenants by distraining and selling the personal property of the latter, or if in any case, notwithstanding the confinement of a defaulting proprietor or farmer, *and the attachment of his estate or farm* for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property from which the same can be made good, the collector may, in all such cases, direct the tehseeldar of the district in which the personal property of the defaulter and his surety may be forthcoming, or if it be a huzzoory mahal, any officer whom he may think proper to appoint for the purpose, to cause the personal property of the defaulter and his surety to be distrained and sold, as far as necessary, for the recovery of the arrear due, in the mode and under the restrictions prescribed by the Regulations with regard to the distress and sale of the personal property of under-tenants, for the recovery of arrears of rent due from them to proprietors and farmers. The collector also, in all cases wherein he may judge it expedient, is empowered to vest the tehseeldars with discretionary authority to proceed against defaulters within their respective tehseeldarries, by the established process of distress and sale, without waiting for his previous sanction; but, in such cases, the tehseeldars will be held personally answerable, if the amount for which the distress may be levied is found not to have been justly due; and in all cases wherein property may be distrained and brought to sale by the tehseeldars, they will be held responsible for any wilful deviation from the Regulations, as prescribed with regard to the agents of landholders and farmers, in Section II. of this Regulation.

In what cases the collector may cause the personal property of defaulting landholders to be distrained.

In what mode, and under what restrictions, such distress and sale to take place.

In what cases the collector may vest tehseeldars with a discretionary authority to proceed against defaulters by established process of distress and sale.

Responsibility of tehseeldars in such cases, and whenever property may be distrained and brought to sale by them.

Attachment for arrears when to be withdrawn.

XXIII. *Whenever the estates of defaulting proprietors, or the farms of defaulting farmers, may be attached under Sections XIV. and XV. Regula-*

* Such parts of this Regulation as are applicable to public sales for arrears of revenue are rescinded by Clause Second, Sec. ii. Reg. XI. 1822, which further rescinds all those parts of any of the Regulations which require the revenue officer to issue a process of demand for the revenue due, or to attach estates or farms before a sale, or as restrict him in the selection of lands for sale, or the period of sale.—See Secs. iv. and v. Act I. 1845, in which special rules are enacted for the sale of lands for arrears in the province of Benares.

tion VI. 1795, *if the arrear due, with any further arrear that may become due from the same proprietor or farmer, be discharged from the collections or otherwise at any period before the end of the current Fussily year, together with the amount of any expense attending the attachment, such attachment shall be immediately withdrawn, and a full and fair account rendered of all receipts and disbursements during the continuance of it.* Moreover, the liberty given by Section XVI. Regulation VI. 1795, to prosecute the collector or tehseeldar in the Zillah and City Courts of Dewanny Adawlut for any breach of the rules contained in that Regulation, is extended in like manner to a breach of any of the rules in the present Regulation; *but such part of the above section as authorizes the judge of the Dewanny Adawlut, on security being given by the plaintiff, to issue a precept for his discharge from confinement and personal restraint, shall not be considered as directing the attachment of the plaintiff's estate or farm to be withdrawn, unless the arrear of revenue claimed from him by the collector or tehseeldar be paid;* nor shall the distress and sale of any personal property belonging to the plaintiff be stopped on account of his having instituted a suit against the collector or tehseeldar contesting the justice of the demand upon him. Provided, however, that if any proprietor or farmer of land, from whom an arrear of revenue may be demanded, shall, by a written representation to the collector, deny the justness of such demand, but to prevent any coercive process being issued against him shall discharge the demand, and shall afterwards establish, by a suit of the Dewanny Adawlut, that the amount so paid by him, or any part thereof, was not justly due, the amount of the excess so established shall be immediately repaid from the public treasury, with interest at the rate of twelve per cent. per annum, from the date on which such excess may have been received to the date of repayment. All the rules in Regulation VI. 1795, respecting suits instituted against the collector for sums received by him on the part of Government, are to be considered applicable to suits that may be instituted against the collector under this Section; and all the provisions in the above Regulation for the punishment of resistance, disobedience, or evasion of the collector's process against defaulting proprietors or farmers, are to be still considered in full force, and applicable to any process issued by the collector under this Regulation. As, however, under Section II. Regulation V. 1798, the decrees of the *Provincial Courts of Appeal* are declared final to the amount of five thousand *sicca* rupees, that amount is to be considered the standard for appeals to the Sudder Dewanny Adawlut, instead of one thousand rupees before limited; and the same rule is to be applied to all other parts of the Regulations, in which an appeal was authorized to the Court of Sudder Dewanny Adawlut antecedent to the enaction of Regulation V. 1798, for the limitation of appeals to that court.

Liberty to prosecute collector or tehseeldar under Sec. xvi Reg. VI 1795, extended to any breach of the present Regulation.

But attachments not to be withdrawn until the arrear demanded be paid

Nor distress and sale of personal property to be stopped on account of suits having been instituted

Provision for repayment of any overplus, with interest, if established in the courts of justice.

Rule in Reg. VI. 1795, applicable to such case.

Provision against resistance, disobedience, or evasion of the collector's process, in Reg VI 1795, applicable to process issued by the collector under this Regulation

Explanation with respect to standard of appeals to the Sudder Dewanny Adawlut.

Section XV Regulation VI 1795, *still in force*

Exception to prevent collusion.

XXIV. *The provisions in Section XV. Regulation VI.* 1795, *in cases of attachment, are likewise to be still considered in full force; except that the injunction to the tehseeldar to collect from the ryots according to their engagements with the defaulter is not to be considered applicable to engagements evidently collusive, which may have been contracted in expectation of the attachment, with a view to prevent the officers of Government from receiving the just rents during the continuance of it. In such cases, the tehseeldar is to collect according to the established rates and usages of the pergunnah, as he is*

See Sec. iv. Reg. V. 1812, and Sec vii Act I 1845

directed to do in cases where no engagement exists between the defaulter and his under-tenants. It is further hereby declared, that after the promulgation of this Regulation no anticipation of the rent will be admitted in cases of attachment. The landholders and farmers are prohibited from demanding or receiving, and the ryots and other under-tenants are prohibited from paying, any part of the rents receivable by the former and payable by the latter, before the stipulated or usual period of payment, according to the kistbundy or other engagements, or established local usage; and no person hereafter making anticipated payments against this prohibition or producing receipts for such, whether collusive or otherwise, shall be entitled to credit for the amount from the officers of Government who may attach the lands or farm, or from the landholder or farmer making the attachment, if it be made for arrears due from an under-tenant, under the provisions contained in this Regulation. *Nor shall credit be allowed for any payment made to a defaulter after proclamation of the attachment of his estate or farm, until further proclamation be made that such attachment has been withdrawn, unless it can be clearly shown that such proclamation, which is to be made as public as possible throughout the attached lands immediately on the attachment taking place, was notwithstanding unknown to the party making payment to the defaulter at the time when such payment may have been made. Provided, however, that nothing herein contained shall be understood to exonerate the defaulter from crediting his under-tenants, or otherwise accounting for, all sums received by him, whether in anticipation of the rents, or subsequently to the attachment of his estate or farm, the above restrictions having reference to the attachment only.*

Further provisions against anticipation of the rents.

Rescinded by Sec. II. Reg. XII 1817.

XXV. [*In all cases of attachment, the village putwarries required to be appointed by Section IX. Regulation XXVII.* 1795, *will, of course, be bound to furnish the collector and tehseeldar, or other officer deputed by him, with the accounts directed to be kept by them; and the collector is hereby required to take immediate measures for ascertaining whether the putwarries have been universally appointed throughout the province, as enjoined in the above section, as well as to cause their immediate appointment where they may be found wanting, by requiring immediate compliance from the landholders with the Regulation in question, under the penalty prescribed in Clause Ninth of the section above mentioned, which, if necessary, is to be enforced in the mode therein provided. It is at the same time hereby explained, that it was not meant by the above Regulation to require the proprietors of small estates, who may superintend their own lands and be unable to afford the expense of a putwarry, to appoint officers of this description; but, in such cases, the proprietors themselves are, when required, to furnish the accounts and information specified in the above-mentioned section, in like manner as the putwarries are required to furnish the same, and under the same provisions.*] [*Defaulting proprietors and farmers of land, whose estates or farms may be attached under this Regulation, are also required to furnish the collector with any accounts that may be required from them relative to the jumma, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the collector, tehseeldar, or other officer appointed by him. Any proprietor or farmer, who, on receiving a written requisition from the collector, under his official seal and*

Accounts to be furnished by putwarries in cases of attachment

Collector to cause general appointment of putwarries according to Reg. XXVII. 1795.

Explanation with respect to small estates managed by the proprietors.

Rescinded.—See note to Sec. xxii

See Sec. xxviii. Reg XII. 1817.

Proprietors and farmers of attached lands to furnish collectors with any accounts required from them in their possession

And to cause their agents to attend the collector or officers appointed by him.

Penalty for non-compliance with this rule.

signature, to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the Board of Revenue, with the sanction of the Governor-General in Council, may think proper to impose upon him on the collector's report of the circumstances of the case; and the Governor-General in Council reserves to himself the power of ordering the imprisonment of any landholder or other person, who may persist in refusing to deliver up the accounts required from him in any particular instance.]

Arrears at the close of the year to be reported to the Board of Revenue, with propositions for their recovery, in conformity to Sec. xvii. Reg. VI. 1795.

XXVI. If any arrear remain due from a proprietor or farmer of land at the close of the Fussily year, the collector is immediately to report the amount to the Board of Revenue, with a statement of the cause of failure, as required by Section XVII. Regulation VI. 1795, and his sentiments on the measures proper to be adopted, under the provisions contained in Sections XVII. and XVIII. of the above Regulation. In consideration of the state of landed property, and other local circumstances, in the province of Benares, although the engagements executed by the landholders declare their property, real and personal, liable to sale for arrears of revenue, the actual sale of their lands has not been enforced, except in cases of necessity or gross misappropriation of the funds from which their revenue is payable; *but a general discretion is reserved to the Governor-General in Council to order a sale of land for the recovery of arrears of revenue: and whenever such sales may take place, they are to be made under the several provisions contained in Section XXIX. Regulation VII.* 1799, *in addition to the Rules already in force within the province of Benares, viz. Sections XXXII. XXXIII. and XXXIV. Regulation VI.* 1795, *and Regulation XII.* 1796, *as well as Regulation V.* 1796, *hereby extended to the above province.*

Under what rules sales of land when ordered by the Governor-General in Council are to take place.

Sec. xxix. Reg. VII. 1799, *and Reg. V.* 1796, *extended to Benares*

Superseded by Sec. ii. Reg. XI. 1822, and see Sec. iv. Act I. 1845.

Sec. xxx. Reg. VII. 1799, *also extended to Benares.*

and Secs. xv. xvi. xvii. xviii. xix. xx. and xxi. Reg. III. 1794.

XXVII. *Section XXX. Regulation VII.* 1799, *whereby the Board of Revenue are appointed to conduct the public sales of land and to fix the necessary establishments of native officers during the attachment of lands for sale, is also hereby extended to Benares,* together with Section XV. Regulation III. 1794, therein referred to, and the following sections of that Regulation, requiring the collectors to take security for the appearance of all native officers entrusted with the receipt or payment of public money or the charge of public accounts, and directing how they are to proceed for the recovery of the public money or accounts in the possession of such officers.

See Sec. iv. Act I. 1845.

Collector of Benares may propose Regulations to the Board of Revenue;

who are to proceed thereon according to Sec. xxxi. Reg. VII. 1799.

XXVIII. The collector of Benares is authorized to propose to the Board of Revenue, in the prescribed form, any *Regulation* regarding matters within his cognizance, which his local knowledge and experience may suggest to him as advisable to be adopted; and provided it be drawn out according to the form *directed by Regulation XLI.* 1793, the Board of Revenue are to forward the same to the Governor-General in Council, in the mode prescribed by Section XXXI. Regulation VII. 1799.*

* Under Sections 52, 53, and 54, of the statute 3 & 4 Wm. IV. cap. 85, the duty of suggesting alterations in the laws devolves upon the Law Commissioners.

A.D. 1800. REGULATION VI.

Reg. VI. 1800

A REGULATION *for defining the Tax to be levied on the Sale of intoxicating Drugs and Toddy; and for amending the existing Rules relative to the licensed Sale of these Articles, as well as the Sale of spirituous Liquors generally, so as to render the Tax more conducive to the Purposes of Police:* PASSED *by the Governor-General in Council, on the 27th March,* 1800.

[Rescinded by Section II. Regulation X. 1813.]

A.D. 1800. REGULATION VII.

Reg. VII. 1800.

A REGULATION *to explain and amend certain Parts of the existing Rules for levying a Stamp Duty upon Obligations for Money, Law Papers, and other Documents:* PASSED *by the Governor-General in Council, on the 3rd April,* 1800.

[Rescinded by Section II. Regulation I. and Section II. Regulation XXIII. 1814.]

A.D. 1800. REGULATION VIII.

Reg. VIII. 1800.

A REGULATION *for preparing a general Pergunnah Register of Lands; and for certain Alterations in the prescribed Registers of Estates paying Revenue, and Lands held exempt from the Payment of Revenue:* PASSED *by the Governor-General in Council, on the 3rd July,* 1800.

I. BY Regulations XLVIII. 1793, and XIX. 1795, a general register is directed to be kept of the landed estates assessed with the public revenue in Bengal, Behar, Orissa, and Benares, and by Regulations XIX. and XXXVII. 1793, XLI. and XLII. 1795, a register is required of all lands held exempt from the payment of revenue in the four provinces. In the former, the names of the estates in each zillah are directed to be arranged alphabetically, and in both the names of the villages contained in the estate or grant are ordered to be specified, as well as the pergunnahs and other local divisions comprehended therein. This specification in the whole of the registers, which are directed to be prepared in three dif-

ferent languages, and (in addition to the original registers kept by the collectors) to be copied for the use of the Courts of Judicature and Board of Revenue, has occasioned a voluminous detail, productive of delay in keeping up the original registers; at the same time that the form prescribed for those registers, and the necessary arrangement of them according to the estates and tenures included therein, prevent their showing, in a connected view, the state of the pergunnahs or other local divisions of the country, several of which, in some instances, are included in one estate, whilst in others a pergunnah comprises many distinct estates, or several small estates, and portions of estates, situated in different pergunnahs. To remedy the above inconvenience, as well as otherwise to facilitate the punctual preparation of the registers prescribed by the Regulations aforesaid, and to provide for a general register of the lands, whether malguzarry or lakheraj, according to their situation within the pergunnah or other established local division to which they are respectively annexed, the Governor-General in Council has enacted the following rules, to be in immediate force throughout the provinces of Bengal, Behar, Orissa, and Benares.

Collectors shall form pergunnah registers of all lands in their respective districts.

II. The collector of Benares and the collectors of the several zillahs in Bengal, Behar, and Orissa, on receipt of this Regulation, shall proceed to form a register of all the lands in their respective districts, of whatever description, to be denominated "pergunnah register of lands, malguzarry and lakheraj," and to be prepared as hereafter directed.

The register shall contain a distinct head for each pergunnah, or such other local division of lands as may have been established.

III. *First.* The register shall contain a distinct head for each pergunnah; or where no pergunnah division may have been established, for such local division as may have been established instead of a pergunnah, whether a tuppah, turruf, or of whatever other known denomination; but wherever the pergunnah division may exist, the lands within such division shall be registered under the head of the pergunnah.

The register of each division shall be divided into two parts, for malguzarry and lakheraj lands.

Second. The register of each pergunnah (or other local division where there may be no pergunnah) shall be divided into two parts, the one for malguzarry lands, or lands assessed for the public revenue, the other for lakheraj lands, or lands exempted from the public assessment.

What particulars the malguzarry part of the register shall contain.

Third. The malguzarry part of the register shall comprise the following particulars of all lands within the pergunnah paying revenue, to Government, to be specified distinctly for each estate situated therein.

1. Name of the estate to which the lands appertain, as entered in the register of estates paying revenue to Government, prescribed by Regulation XLVIII. 1793, and Regulation XIX. 1795, with a reference to the number under which the estate may have been entered in such register.

2. Name of the proprietor or proprietors of the estate, as also entered in the register of estates prescribed by the above Regulations.

3. A detailed statement of the several villages, portions of villages, or other sub-divisions of each estate within the pergunnah; with an accurate enumeration of them, for the purpose of being referred to in the register of estates, as provided in Section XI. of this Regulation.

4. The ruckbah, or measurement of each village or other subdivision, whenever the same may be ascertainable by public measurements to settle disputes, or otherwise.

5. The gross rents of any village or other subdivision, which may have been ascertained by a khas collection, attachment, or otherwise.

What particulars the lakheraj part of the register shall contain.

Fourth. The lakheraj part of the pergunnah register shall comprise the following particulars of all lands within the pergunnah not paying revenue to Government, to be specified distinctly for each lakheraj tenure situated therein.

1. Denomination of the tenure as entered in the register of lands held exempt from the payment of revenue to Government, prescribed by Regulations XIX. and XXXVII. 1793, XLI. and XLII. 1795, with a reference to the number under which the tenure may have been entered in such register.

2. Name of the holder or holders of the tenure, as also entered in the register of exempted lands prescribed by the above Regulations.

3. A detailed statement of the several villages, portions of villages, or other subdivisions of each tenure within the pergunnah, with an accurate enumeration of them, for the purpose of being referred to in the register of exempted lands, as provided in Section XI. of this Regulation.

4. The ruckbah, or measurement of each village or other subdivision, wherever the same may have been reported by the holders of lakheraj tenures under the requisitions contained in the Regulations above mentioned, or may be otherwise ascertainable.

5. The gross rents of any village or other subdivision, the gross produce of which may have been ascertained.

At what periods the general pergunnah registers are to be prepared, and how to be numbered.

(1799—1800.) IV. The first general pergunnah register shall be prepared for the current Bengal, Fussily, and Willaity year 1207, in the districts wherein these eras are current respectively; and shall exhibit the required particulars respecting the malguzarry and lakheraj lands in the several pergunnahs, as they stood at the commencement of that year, of each era, so as to correspond with the quinquennial register of estates paying revenue to Government, No. 3, and the periodical registers of lands held exempt from the payment of revenue, No. 2, which by the Regulations above referred to are ordered to commence with the year 1207 of the era current in each province. This original pergunnah register is to be numbered one. A similar general register is to be prepared at the commencement of the Bengal,* Fussily,† and Willaity† year 1212, to be numbered two; and thereafter at the commencement of every fifth succeeding year, to be numbered in the order in which it may be formed.

Intermediate pergunnah registers shall be kept for recording all alterations between the periods prescribed for forming the general registers.

V. For the purpose of recording any alterations in the particulars required to be entered in the quinquennial pergunnah registers, which may take place during the interval of five years, the period prescribed for the formation of them, an intermediate pergunnah register shall be kept under the same heads as directed for the general registers, in which all pergunnah annexations or separations, all divisions or transfers of estates, all new information obtained respecting the measurement or rents of land, all resumptions of lakheraj exemptions, and generally all alterations in any of the particulars required to be entered in the pergunnah register of lands, malguzarry and lakheraj, shall be duly recorded, as soon as possible after

* April, 1805. † September, 1804.

such alterations may have taken place; with a note of reference to such parts of the last formed quinquennial register as may be affected thereby. Provided, however, with respect to all transfers or divisions of estates in which an allotment of the public assessment may be necessary, under the rules prescribed in Section X. Regulation I. 1793, or any other Regulation, that no such transfer or division shall be registered until the assessment has been allotted as required by the Regulations; nor shall any entry in the pergunnah register be considered to affect the rights of Government, either with regard to lands assessed with the public revenue or the lands held exempt from such assessment.

Provision respecting cases wherein an allotment of the assessment may be necessary.

No entry in the register shall affect the rights of Government.

The Board of Revenue are to furnish the collectors with forms of the registers. In what language, and by whom the registers are to be kept, and how to be attested.

VI. The Board of Revenue are to furnish the collectors of the several zillahs with a form for the pergunnah register required by this Regulation, which is to be kept in the Persian language, by the keepers of the native records appointed under Regulation XXI. 1793 (extended to Benares by Regulation XXXVII. 1795), with the assistance of such other native officers as may be appointed for this purpose. But the collectors are to attest every page of the register prepared by them after ascertaining that it is accurate; and are to cause the quinquennial register to be bound up, as soon as completed, in a volume or volumes of uniform dimensions, each leaf of which having been previously paged, is to be signed by the zillah judge (or by the city judge in the province of Benares), with a specification, on the last leaf of each volume, of the total number of pages contained in it, in the hand-writing of the judge, as prescribed by the existing Regulations with respect to the other registers thereby required. The intermediate register is also to be bound up, paged, and attested, at the end of every Bengal, Fussily, or Willaity year, in the same manner as above directed with regard to the quinquennial register; and the collectors are enjoined to be careful that the intermediate register is at no time allowed to fall in arrear.

From what materials the general registers are to be prepared, and how the materials, not already received, are to be procured.

VII. The pergunnah register to commence with the current year is to be prepared from the papers which have been already furnished by the proprietors and farmers of lands paying revenue, or by the holders of land exempt from the payment of revenue, for the registers of these lands respectively, required to be kept by Regulations XIX. XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795; as well as from any other materials which may have been procured for the quinquennial registers of estates paying revenue and the periodical registers of exempted lands, directed to be prepared at the commencement of the current Bengal, Fussily, and Willaity year 1207. Should any further papers or information be found requisite for the exact ascertainment of portions of estates situated within different pergunnahs, or the precise number and names of villages appertaining to the several estates in each pergunnah, or for the purpose of ascertaining any of the particulars to be specified under the three first heads of the malguzarry part of the pergunnah register, or the four first heads of the lakheraje part of the register, as stated in the third and fourth clauses of Section III. of this Regulation, the collectors are authorized to require the same from the proprietors, farmers, and under-tenants of malguzarry lands, or from the holders of lakheraj lands, in the same manner as they are authorized by the Regu-

lations above mentioned to require from such persons any information that may be necessary to enable them to form the registers therein prescribed, and under the same penalties for non-compliance. But the collectors are not to require from the proprietors or farmers of malguzarry lands, or from their under-tenants, any papers or information respecting the measurement or rents of such lands, nor from the holders of lakheraj lands any papers or information respecting the rents of lands of this description, for the purpose of entering the same in the pergunnah register; it being intended only that the measurement and rents of malguzarry lands, and the rents of lakheraj lands, should be entered in the register, when the same may be ascertained by public measurements, khas collections, attachments, or such other occasional means as may furnish the necessary information for completing these subsidiary heads of the pergunnah register, which are to be left blank until such information may be obtained.

The collectors are not to require information respecting the rents or measurement of malguzarry or the rents of lakheraj lands

How such information is to be procured

VIII. The information required to be furnished for the register of intermediate mutations in landed property and the register of intermediate resumptions or other occurrences respecting grants of exempted lands, will furnish the collectors with the necessary materials for the intermediate pergunnah register prescribed by Section V.; but if any further information should be requisite, they are authorized to require the same, under the provisions and restrictions specified in the preceding section.

From what materials the intermediate registers are to be formed, and how any further information is to be procured.

IX. The general register for the current year and subsequent intermediate register, if duly kept up, must furnish the collectors with full materials for the quinquennial pergunnah register to be prepared in the year 1212, and at every future period. They are also to be careful to avail themselves of any occasional means of authentic information from public measurements, attachments, or otherwise; and it is expected that, in the course of time, their pergunnah registers will contain an accurate statement of the lands and rents throughout their respective districts. To promote the former object, they are further directed to note the boundaries of villages, or other subdivisions, whenever the same may be ascertained; and also, as far as practicable, the limits of the pergunnahs (or other local divisions where there may be no pergunnahs) within their respective collectorships. No change in the existing limits of pergunnahs, or in the mehals composing them, is to be made by the collectors without the sanction of the Governor-General in Council; but if any collector should judge it expedient to alter the existing boundaries of a pergunnah, for the purpose of rendering it more compact, or otherwise, or to separate any village, talook, or other mehal from the pergunnah to which it may be now attached, and annex it to any other pergunnah, he shall state his reasons at large for such alterations to the Board of Revenue, who will submit the same to the Governor-General in Council, with their opinion upon the expediency of the alterations proposed, for his determination. Provided that whenever any such pergunnah separation or annexation may take place, it shall in no respect affect the rights of the proprietor or occupant of any village, talook, or other mehal included therein; and provided further, that the above restriction against the alteration of existing pergunnahs without the sanction of the Governor-General in Council, shall not be considered to preclude the collector from re-annexing to their

What measures the collectors are to take to render their general registers complete.

No change in the existing limits of pergunnahs, &c. to be made without the previous sanction of Government.

The above rule not to preclude the collectors from re-annexing mehals separated since 1197

proper pergunnah any mehals which may have been separated therefrom by the landholders since the commencement of the Bengal, Fussily, or Willaity year 1197, and formed into separate turruffs or otherwise.

Copies of entries in the registers to be sent by one collector to the other, in the case of lands separated from one zillah and annexed to another.

X. Whenever any lands may be ordered to be separated from one zillah and annexed to another, the collector of the zillah from which the separation may be made is to transmit to the collector of the zillah to which the annexation is to be made, an attested copy of all entries relative to the lands transferred in the last formed quinquennial pergunnah register, as well as any entries relative thereto in the subsequent intermediate register, together with any other information that may have been obtained respecting such lands. These documents will enable the collector of the zillah to which the lands may be annexed to make the necessary entry of them in his intermediate pergunnah register, as well as in the new general register that may be prepared by him.

Certain parts of Regs. XIX. XXXVII. and XLVIII. of 1793, and XIX. XLI. and XLII. of 1795, respecting the specification of names of villages or other subdivisions, rescinded, and the names of pergunnahs and number of villages, &c. only to be inserted in the registers in future.

XI. A reference to the pergunnah register, when duly prepared according to the preceding sections, will at all times enable the officers of Government to ascertain the several villages, portions of villages, or other subdivisions of any estate included in the register of estates paying revenue to Government, or of any lakheraj tenure included in the register of lands exempt from the payment of revenue, provided that each pergunnah (or other local division where there may be no pergunnah) in which any part of such estates or tenures may be situated be specified in the said registers, with the number only of the villages or other subdivisions in each pergunnah. Such parts, therefore, of Regulations XIX. XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795, as require a specification of the names of villages or other subdivisions in the registers thereby prescribed, in addition to the names of the pergunnahs comprising such villages or other subdivisions, are hereby rescinded, and in the registers prescribed by the above Regulations to commence with the current Bengal, Fussily, and Willaity year 1207, as well as in all future registers, whether the general register of estates paying revenue or of lands exempt from revenue, directed to be prepared at the expiration of every five years, or the intermediate registers of mutations, resumptions, and other occurrences, it is required only to specify the pergunnahs (or other local divisions where there may be no pergunnahs) in which any part of the estates and tenures included in the registers may be situated, with the exact number of villages, or other subdivisions appertaining to the estate or tenure, in each pergunnah register. The collectors are enjoined to take the utmost care that the names of the pergunnahs (or other local divisions where there may be no pergunnahs), as well as the number of villages or other subdivisions stated to be in each, are exactly conformable to the pergunnah register; and are to furnish their native officers appointed to prepare the counterpart registers with particular instructions for this purpose. The mode of correcting any mistakes in registers prescribed by the above-mentioned Regulations has been provided for in them; and if any should occur in the pergunnah register, they are to be rectified in the same manner in the intermediate register prescribed by Section V. of this Regulation.

Collectors to be careful that the names, &c. are conformable to the pergunnah register.

How mistakes in the pergunnah registers are to be rectified.

XII. A reference to the pergunnah register will also show the measurement and rents of land, whenever the same may have been ascertained, and enable the collectors to furnish this information to the Board of Revenue for public sales of land, or otherwise, when required. It will, therefore, be no longer necessary to include either of these items, viz. the measurement or rents of land, in the registers of estates or of exempted lands, prescribed by Regulations XIX. XXXVII. and XLVIII. 1793, or Regulations XIX. XLI. and XLII. 1795; and such parts of those Regulations as require the same to be inserted in the registers therein specified are hereby rescinded.

Further parts of the above Regulations, respecting the insertion of the measurement and rents of land, rescinded.

XIII. In Section II. Regulation XLVIII. 1793, and Regulation XIX. 1795, prescribing a quinquennial register of estates paying revenue to Government, it is explained, that "by the term estate is to be understood any land being malguzarry, or subject to the payment of public revenue, for the discharge of which a separate engagement has been, or may be, entered into with Government." But as this definition, strictly construed, would exclude estates held khas, in consequence of the proprietors having declined to engage for the public assessment thereupon, under the option given by the rules for the permanent settlement; as well as the estates of disqualified proprietors, which by those rules, and by Regulation X. 1793, were placed under the superintendence of the Court of Wards; as well as estates belonging to Government, for the revenue of which no engagement may have been taken; and it being intended that all lands paying revenue to Government should be included in the registers of estates prescribed by Regulations XLVIII. 1793, and XIX. 1795, it is hereby further explained, that by the term estate therein used, is to be understood any land subject to the payment of revenue, for which a separate engagement may have been executed to Government by the proprietor or by a farmer; or which may have been separately assessed with the public revenue, although no engagement shall have been executed to Government, as in cases where the estate may be held khas by a sezawul or other officer on the part of Government, or be managed by a serberakar for the benefit of a disqualified proprietor.

Further explanation of what is meant by the term "estate."

XIV. The "register of intermediate mutations in landed property," prescribed by Section XVI. Regulations XLVIII. 1793, and XIX. 1795, was intended to include all alterations in any of the entries in the quinquennial registers which might take place within the periods at which these registers are directed to be prepared: all alterations in the amount of the annual revenue assessed upon estates should, therefore, be stated in the registers of intermediate mutations, whether proceeding from an allotment of the fixed assessment upon portions of divided estates, in conformity to Section X. Regulation I. 1793, and Section VII. Regulation XXVII. 1795, or from an increase or decrease of the assessment upon any estate, as fixed at the period of the permanent settlement or subsequently thereto. In all such cases, the particulars of the allotment, increase, or decrease, are to be clearly stated in the register of intermediate mutations; and whenever an abatement of revenue may be inserted, the authority for such abatement is to be invariably quoted, with the date

All alterations in the annual revenue, with the particulars thereof, to be inserted in the register of intermediate mutations prescribed by Sec. xvi. Regs. XLVIII 1793, and XIX. 1795.

on which it may have been granted by the Governor-General in Council and communicated by the Board of Revenue.

Such parts of Regs. XIX. XXXVII. and XLVIII. of 1793, and XIX. XLI. and XLII. of 1795, as direct counterparts of the registers to be kept in the Bengal and Hindoostanee languages, and copies to be furnished to the courts of justice, rescinded; and

XV. Such parts of Regulations XIX. XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795, as direct counterparts of the several registers therein specified to be kept in the Bengal and Hindoostanee languages, are hereby rescinded; and in future it is required only that an exact counterpart of the several English registers be kept in the Persian language, to be prepared and authenticated as directed in the Regulations above mentioned. Such parts of those Regulations as direct the collectors of the several zillahs to furnish copies of the prescribed registers to the judges of the Dewanny Adawluts of their respective zillahs, and to the Provincial Courts of Appeal, in the jurisdiction of which their respective zillahs are included, or which require the Board of Revenue to furnish the Sudder Dewanny Adawlut with a copy of the prescribed registers for each zillah, are likewise hereby rescinded; and instead thereof, the Zillah and City Courts of Dewanny Adawlut and Provincial Courts of Appeal are authorized, whenever they may have occasion to refer to any of the registers prescribed by the above Regulations or by the present Regulation, to require from the collectors the production of the original register, or an attested copy of such part thereof as may contain the required information. The collectors, on the receipt of such requisition, are immediately to transmit the original register, if it can be sent without inconvenience, under the care of one of their native officers, in whose custody it is to remain till returned; or if the original register cannot be conveniently sent, are to transmit without delay an accurate copy of such part thereof as may be required, under the attestation of their official signature. In like manner, the Board of Revenue, on the requisition of the Court of Sudder Dewanny Adawlut, are to furnish any zillah register received by them which may be required by that court; or a copy, attested by the signature of their secretary or accountant, of any part thereof which may be required. In the event of any register required by a court of justice not having been prepared, and the period fixed for its preparation having elapsed, the collector is to explain to the court the cause of such register not having been prepared, and the explanation so given is to be transmitted by the court receiving it to the Governor-General in Council. Any person succeeding to the office of collector, or invested with the temporary charge of such office, is also required, immediately on his taking charge, to ascertain whether the prescribed registers have been duly prepared; and if not, to report the same to the Board of Revenue, with any explanation he may have received of the omission, for the information of the Governor-General in Council.

how the courts are to proceed whenever they have occasion to refer to any of the registers.

Courts to report to Government the explanations given by collectors for not having the registers completed within the prescribed periods.

Collectors or acting collectors, on taking charge, to ascertain whether the registers have been duly prepared, and if not, to report the same to the Board of Revenue for the information of Government.

The copies directed by the above-mentioned Regulations to be sent to the Board of Revenue, shall be sent to their accountant, who is to examine, and in certain cases report thereon.

XVI. The copies of the several registers which the collectors of Bengal, Behar, and Orissa, by Section XXII. Regulation XIX. Section XXXVII. Regulation XXXVII. and Section XXVI. Regulation XLVIII. 1793; and the collector of Benares, by Section XXIV. Regulation XIX. Section XLII. Regulation XLI. and Section XXXVII. Regulation XLII. 1795, are required to furnish to the Board of Revenue, shall be transmitted by the collectors at the periods therein specified, in the English and Persian languages, to the accountant of the Board of Revenue,

who is to report to the Board any instances of the prescribed quarterly copies not having been received at the fixed periods, or of the quinquennial copies not having been received within the year at the commencement of which the quinquennial registers are directed to be prepared; and is to return to the collectors, for correction, any copies of registers received from them which may not have been prepared according to the prescribed form. The accountant is also to compare the assessment stated in the registers of estates paying revenue with the accounts of the permanent settlement deposited in his office, as well as with any accounts or information which may from time to time be communicated to him by the Board of Revenue of any authorized alterations in the assessment, whether from allotments of the fixed assessment upon divisions of estates, or from any increase or decrease of assessment from whatever cause; and the secretary to the Board of Revenue is to be careful that the accountant is regularly informed of all such alterations which may be authorized. When the collector may have omitted only to quote the authority for such alterations in his register of intermediate mutations, the copy of the register is to be returned to him by the accountant to supply the omission; but if, in any case, it shall appear to the accountant that the collector has stated any alteration in the assessment of an estate without due authority, he is to report the same to the Board of Revenue, with any explanation given by the collectors, for such orders as may be necessary, or for the determination of the Governor-General in Council.

The Board of Revenue are to furnish the collectors with new forms for the registers adapted to the alterations now directed.

XVII. The Board of Revenue are to furnish the collectors with new forms for the several registers prescribed by Regulations XIX. XXXVII. and XLVIII. 1793, and Regulations XIX. XLI. and XLII. 1795, adapted to the alterations directed by the present Regulation; and the collectors, on receipt thereof, are enjoined to prepare the quinquennial register of estates paying revenue, and periodical registers of lands held exempt from revenue, directed to be formed at the commencement of the current Bengal, Fussily, and Willaity year, with the least possible delay. They are also, without waiting for the completion of these general registers, to transmit to the accountant of the Board of Revenue, as soon as possible, the quarterly entries in their registers of intermediate mutations and resumptions from the commencement of the current year, and are to be particularly careful that the same are regularly transmitted in future. The omission of the detail of villages, measurements, and rents, in the whole of these registers, and the discontinuance of the counterparts in the Hindoostannee and Bengal languages, will, it is expected, enable them to keep the several registers hereafter with the utmost punctuality; and to promote this material object, a sufficient number of officers shall be appointed to assist the native record-keepers appointed under Regulation XXI. 1793, in keeping the pergunnah register prescribed by the present Regulation, as well as the Persian counterparts of the registers of estates paying revenue, and lands exempted from the payment of revenue, prescribed by the Regulations above mentioned, and in preparing the copies of these counterpart registers directed to be transmitted to the accountant of the Board of Revenue. Such officers shall, as far as possible, be selected from the pergunnah mohurrers employed under the late canongoes; and shall be immediately proposed by the collectors to the Board

Collectors to be regular in the transmission of the required papers; and

to propose officers to assist in the preparation of them, with

a statement of the allowances deemed necessary for them.

The collectors are to report what parts of their present establishments may be appropriated to paying such allowances, and what additional native writers will be necessary for the English registers.

of Revenue, with a statement of the allowances deemed necessary for them, in addition to any sums now received by them from Government under Section XXXIV. Regulation VIII. 1793, and Regulation XXIV. 1793, therein referred to. The collectors are, at the same time, to report to the Board of Revenue what parts of their present establishments can be appropriated to the payment of such allowances, and whether they would recommend any of the native officers now acting under them to be employed as proposed. They are also to report whether any and what number of native writers will be required to keep up the English registers of estates paying revenue, and lands exempted from payment of revenue, in addition to their assistants, who are to be employed upon this duty as far as their other business will permit: and it is expected that the collectors themselves will give constant attention to the English registers, for all entries in which they are declared responsible; particularly to the registers of intermediate mutations, resumptions, and other occurrences, in which the utmost accuracy is essentially necessary, and the transactions entered in which being occasional only, the entries can be easily made by the collectors themselves in the original registers.

Board of Revenue to submit the necessary establishments to Government.

Rules respecting the removal of officers appointed for this duty, and how they are to be employed.

XVIII. On receipt of the reports required from the collectors by the preceding section, the Board of Revenue are to submit to the Governor-General in Council the necessary establishments of native officers for keeping up the several registers prescribed; and if any additions to the present establishments should appear to them indispensably necessary for the purpose, they are to state the same to the Governor-General in Council for his determination. The officers so appointed, or who may be hereafter appointed for the purposes specified in the preceding section, shall not be removable without proof of misconduct, to the satisfaction of the Governor-General in Council. They are to be exclusively employed in preparing and copying the prescribed registers, whilst any part of these shall be in arrear; and after completing the register directed to be prepared for the current year, are, with the least possible delay, to complete the registers in arrear for former years: but the preparation of the current year's registers is not to be delayed for those of former years, unless the collectors shall judge it advisable in any instance, from the forward state of their registers for past years, or otherwise; in which case they are to report the same to the Board of Revenue, and to be guided by their instructions.

Modified by Sec. xv. Reg. V. 1804, and Sec x. Reg. VIII. 1809.

Collectors to ascertain whether the publications directed in Sec. xxv. Reg. XIX. and Sec. xx. Reg. XXXVII. of 1793, and similar sections of Reg. XLI. and XLII. of 1795, have been made, and if not, to cause them to be made, allowing one year from the publication for the prescribed registry, after which all unregistered land held exempt from revenue shall be assessed as prescribed in those Regulations.

XIX. By Section XXVI. Regulation XIX. 1793, Section XXI. Regulation XXXVII. 1793, and the corresponding Sections in Regulations XLI. and XLII. 1795, all lands held exempt from the payment of revenue, which the holders may have omitted to register by the time prescribed in the publication therein referred to, are become subject to the payment of revenue, unless sufficient cause be shewn, to the satisfaction of the Governor-General in Council, for their not having been registered within the limited period. It appearing, however, that the publications directed in Section XXV. Regulation XIX. 1793, Section XX. Regulation XXXVII. 1793, and the corresponding sections in Regulations XLI. and XLII. 1795, have not in every instance been made as therein directed (viz. the publication respecting lands held under bad-

shahee grants, in the principal cutcherry of the holders of such grants; and respecting other exempted lands, in the principal cutcherry of every proprietor and farmer of land paying revenue to Government; and of every native collector, in lands held khas by Government; or when the estate, farm, or khas land may consist of two or more whole pergunnahs, or portions of pergunnahs, in the principal cutcherry of each pergunnah or portion of a pergunnah comprised in such estate, farm, or khas land), the collectors are hereby further directed, immediately on the receipt of this Regulation, to ascertain whether the publications above specified have been duly made as prescribed throughout their respective collectorships; and if not, they are to cause the same to be made without delay, in the manner prescribed, as well as in their own cutcherries, and in the cutcherries of the Dewanny Courts situated within their respective zillahs; allowing the further period of one year from the date of such publications for the registry of the lands therein specified. After the expiration of such period, any unregistered land found to be held exempt from the payment of revenue is to be assessed, under the provisions contained in the above Regulations, whenever the same may be discovered; and the collectors are to enter lands so assessed (together with all other lakheraj lands which may be brought upon the public assessment) in their succeeding quinquennial register of estates paying revenue, as well as in their register of intermediate mutations.

Notice to be given to the collectors of the establishment of new villages under certain penalties.

XX. Whenever any new village may be established upon lands paying revenue to Government, the name of which shall not have been included in the list of villages delivered to the collectors for the purpose of preparing the prescribed registers of these lands, the proprietor of the estate in which such new village may be situated, or the farmer if the estate be let in farm by Government, or the serberakar or khas-officer who may have the management of the estate, if it be a serberakarry or khas mehal, is to give notice to the collector immediately on the establishment of such new village, that the same may be entered in the public registers. In default thereof, or in the event of its appearing that any village or other portion of an estate subject to the payment of revenue has been wilfully omitted in the village statements which the collectors are authorized to require for the purpose of preparing the public registers, the village, or other portion of an estate so wilfully omitted, shall be liable to forfeiture to Government, if the statement which ought to have contained it shall have been furnished by the proprietor; or if furnished by a farmer, serberakar, sezawul, or other officer, the person who may have furnished the same shall be liable to a fine to Government, in such amount as the Governor-General in Council, on consideration of the circumstances of the case, may think proper to impose. The collectors are to report all cases of this nature to the Board of Revenue; who are to submit the same, with their sentiments, for the determination of the Governor-General in Council.

Notice to be given to the collector by all persons succeeding to landed property by inheritance or otherwise.

XXI. That the collectors may be regularly informed of all future changes in the property of malguzarry estates or lakheraj tenures within their respective zillahs, for the purpose of entering the same in the prescribed registers, all persons succeeding to the property of any malguzarry estate or lakheraj tenure, whether by inheritance, purchase, gift, or

otherwise, are required to notify such succession, immediately after the same may have taken place, to the collector of the zillah in which the estate or tenure succeeded to may be situated; and to furnish such information as may be necessary to enable the collector to make the prescribed entries in the public registers. The collectors, on receiving the notification, are to make such inquiry as may appear necessary to ascertain the truth of the alleged succession to, or transfer of the property: and if the same shall appear to have taken place, are to make the requisite entries in the intermediate pergunnah register, in the intermediate register of mutations in lands paying revenue, and the intermediate register of occurrences respecting lands held exempt from the payment of revenue; provided, with regard to all such entries, that they shall not in any degree affect the rights of any party whose name may be registered therein as the ostensible proprietor of the land, or whose name may not have been registered as the proprietor, but who may establish a right of property in the Dewanny Adawlut, or otherwise. Any person succeeding to the property of a malguzarry estate or lakheraj tenure, who may not give the notification above required to the collector, or any person who may wilfully misrepresent to the collector his having succeeded to the property of an estate or tenure, to which, on inquiry, it may appear he has not succeeded, shall, for such omission or misrepresentation, be liable to a fine to Government, to be fixed by the Governor-General in Council on a report from the collector, through the Board of Revenue, of the nature and circumstances of the case. When the person succeeding to the estate or tenure may be a minor, or otherwise disqualified from giving himself the notice required, his guardian, or whoever may act for him in the management of the estate or tenure succeeded to, is to give the information required, under the prescribed penalty.

Collector to inquire into the truth of such allegation.

Penalty for neglect of giving such notice, or wilful misrepresentation in giving it.

XXII. [Canoongo's records to be delivered to collector.]—*Extinct.*

Reg. IX. 1800.

A.D. 1800. REGULATION IX.

A REGULATION *for the Foundation of a College at Fort William in Bengal, and for the better Instruction of the Junior Civil Servants of the Honourable the English East-India Company in the important Duties belonging to the several arduous Stations to which the said Junior Civil Servants may be respectively destined in the Administration of Justice, and in the general Government of the British Empire in India:* PASSED *by the Governor-General in Council, on the* 10*th July*, 1800.

[Rescinded by Section II. Regulation XX. 1814.]

A.D. 1800. REGULATION X.

Reg. X. 1800.

A REGULATION *for preventing the Division of landed Estates in the Jungle Mehals of the Zillah of Midnapore and other Districts:* PASSED *by the Governor-General in Council, on the* 11*th December*, 1800.

See Sec. xxxvi. Reg. XII. 1805.

I. BY Regulation XI. 1793, the estates of proprietors of land dying intestate are declared liable to be divided among the heirs of the deceased, agreeably to the Hindoo or Mahomedan laws. A custom, however, having been found to prevail in the jungle mehals of Midnapore and other districts, by which the succession to landed estates invariably devolves to a single heir without the division of the property, and this custom having been long established, and being founded in certain circumstances of local convenience which still exist, the Governor-General in Council has enacted the following rule, to be in force in the provinces of Bengal, Behar, and Orissa, from the date of its promulgation.

Reg. XI. 1793, not to operate in the jungle mehals of Midnapore and other districts.

II. Regulation XI. 1793, shall not be considered to supersede or affect any established usage which may have obtained in the jungle mehals of Midnapore and other districts, by which the succession to landed estates, the proprietor of which may die intestate, has hitherto been considered to devolve to a single heir, to the exclusion of the other heirs of the deceased. In the mehals in question the local custom of the country shall be continued in full force, as heretofore, and the courts of justice be guided by it in the decision of all claims which may come before them to the inheritance of landed property situated in those mehals.

A.D. 1800. REGULATION XI.

Reg. XI. 1800.

A REGULATION *for levying an additional Duty of One per Cent. on the Imports into, and Exports from, the Port of Calcutta, with certain Exceptions, and for abolishing the Duty of One per Cent. established by Regulation I.* 1797; *also for establishing sundry Rules for the better Regulation and Collection of the Calcutta Customs, and for enacting into a Regulation certain Orders of Government respecting those Customs, which have been passed subsequently to the Date of Regulation XXXIX.* 1795: PASSED *by the Governor-General in Council, on the* 18*th December*, 1800.

[Rescinded by Section II. Regulation IX. 1810.]

Reg. I. 1801.

A.D. 1801. REGULATION I.*

A REGULATION *to explain and amend Part of the Rules for collecting the public Revenue contained in Regulations VII.* 1799, *and V.* 1800; *to expedite the Sale of Lands for Arrears of Revenue; to limit the Division of Property by such Sales; to explain and amend the Rules contained in Regulation XXV.* 1793 (*extended to Benares by Regulation XXVI.* 1795), *for the Division of joint Estates, and Allotment of the fixed Assessment thereupon; and to fix a Period for the Operation of such Part of Regulation VIII.* 1793, *as authorizes the separation of certain Talooks from the Zemindarries to which they were attached at the Time of the decennial Settlement:* PASSED *by the Governor-General in Council, on the* 15*th January*, 1801.

I. THE rules contained in Regulation VII. 1799 (extended to Benares with modifications by Regulation V. 1800), for the more punctual collection of the land revenue by attachment of the lands in cases of arrear, and by a sale of them at the close of the year for which the arrear may be due, have materially promoted the object proposed by them, but have been partly deprived of their effect by indiscriminate attachment of the lands, without due regard to the discretion vested in the collectors by Clause Seventh of Section XXIII. Regulation VII. 1799, and by the delays which have occurred in bringing portions of estates to sale for the recovery of arrears outstanding at the close of the year. With a view, therefore, to explain and amend the rules contained in the above Regulations; to extend, under restrictions, to the provinces of Bengal, Behar, and Orissa, the rule established in Benares, by Section XXII. Regulation V. 1800, for the distress and sale of the personal property of defaulting landholders and farmers, when necessary, for the recovery of arrears of revenue or other public demands; also to expedite the sale of lands for arrears of revenue; to limit the division of property by such sales; to explain and amend the rules contained in Regulation XXV. 1793 (extended to Benares by Regulation XXVI. 1795), for the division of joint estates and allotment of the fixed assessment thereupon; and to fix a period for the operation of such part of Regulation VIII. 1793, as authorizes the separation of certain talooks from the zemindarries to which they were attached at the time of the decennial settlement; the Governor-General in Council has enacted the following rules, to be in force as soon as promulgated throughout the provinces of Bengal, Behar, and Orissa; and in the province of Benares, as far as they are declared applicable to that province.

Collectors not to attach estate or farm of any proprietor or far-

II. [*By Clause First of Section XXIII. Regulation VII.* 1799, *proprietors and farmers of land assessed with the public revenue, who may not*

Rescinded by Cl. 1, Sec. ii. Reg. VII. 1830.

* It is enacted by Clause 2, Sec. ii. Reg. XI. 1822, that such parts of any Regulation as require the revenue officer to issue a process of demand for the revenue due, or to attach estates or farms before a sale, or as restrict him in the selection of lands for sale on account of arrears of revenue, or the period of sale, shall be rescinded.—See also Act I. 1845, which provides new rules for the sale of estates in arrear at certain periods by the Board of Revenue.

discharge the monthly instalment of revenue demandable from them on or before the first day of the succeeding month, are made liable to the payment of interest on the amount of the arrear due from them at the rate of one per cent. per mensem]; *and by Clause Second of the same section and Regulation it is enacted, that if the arrear so due, principal and interest, shall not be discharged on the written requisition prescribed in Section III. Regulation XIV.* 1793 (*which allows a reasonable time for conveying the money to the public treasury, according to the distance of the estate or farm of the defaulter*), *nor assurance given for the immediate payment of it, to the satisfaction of the collector, he shall proceed without delay to attach the estate of the proprietor from whom the arrear may be due, or such portion thereof as he may consider fully sufficient to make good by a sale the arrear due, with interest,* or if the arrear be due from a farmer, shall proceed without delay *both* to *attach his farm and* arrest his person (as well as the person of his surety, if he have given security), in the mode prescribed by Sections V. and VI. Regulation XIV. 1793. But Clause Seventh of the same section and Regulation authorizes and directs the collectors to suspend the exercise of the above powers, in cases of drought, inundation, or other calamity of season; as well as in all cases where the cause of failure may not have originated in the neglect, mismanagement, or misconduct of the defaulter. The collectors were, at the same time, required in all such cases to report the circumstances to the Board of Revenue, and to be guided by their instructions; under which provision, and the discretion so vested in the collectors, it was expected that they would suspend the *attachment* of estates and farms, and report the case to the Board of Revenue, in all instances wherein, from inquiry made by them or information given to them, there might be ground to believe that the failure was not wilful, or had not originated in the neglect, mismanagement, or misconduct of the defaulter. But few such reports have been received from the collectors by the Board of Revenue, although many instances of the nature referred to must have occurred since the promulgation of Regulation VII. 1799; particularly in the early part of the year, whilst the landholders and farmers are adjusting their mofussil settlements for the year, at which period it must be highly inconvenient and injurious to the landholders and farmers that their lands and farms should be attached by the officers of Government. *It is, therefore, hereby enacted, that no collector shall attach the estate or farm of any proprietor or farmer of land for arrears of revenue during the three first months of the Bengal, Fussily, or Willaity year* (*according to the era current in the several zillahs*), *without the express sanction and order of the Board of Revenue, on a report of the case to be made to them by the collector: nor shall the attachment be subsequently made without such sanction and order, unless the collector shall judge the same expedient, with a view to induce payment of the arrear by the defaulter, or to prevent his misappropriation of the remaining rents of the year, or to obtain accurate information of the assets of the estate for the purpose of disposing of a portion of it by public sale at the close of the year; in either of which cases, the attachment is to take place after the third month of the year, under the several provisions of Regulation VII.* 1799; *except that, whenever the attachment may be judged advisable for the purposes above stated, the whole estate shall be attached instead of a portion thereof, as authorized by Clause Second of Section XXIII. Regulation VII.* 1799. *Provided further, that the exception from the rule for*

Superseded by Cl. 2, Sec. II. Reg XI. 1822.

meo for arrears in the three first months of the year, without orders from the Board of Revenue; nor subsequently, without such orders, except in particular cases

Superseded by Cl. 2, Sec. II. Reg. XI. 1822.

The entire estate to be attached instead of a portion thereof, when attachment may be deemed advisable.

Exception from the

rules of attachment during the three first months of the year not applicable to attachments made in the preceding year, and continued after its expiration for the purpose of levying the lands to sale.

Collectors to report to the Board of Revenue, when they may deem attachment for arrears unadvisable.

Board empowered to levy a penalty of one per cent. per mensem on the arrear, in addition to the prescribed interest, in lieu of attachment, to continue until the arrear be paid or the estate be attached.

attachment during the three first months of the year shall not be considered applicable to attachments made in the preceding year, and continued after the expiration of it, with a view to the lands being brought to sale for the recovery of the arrear due from them, [*and whenever the collectors and Board of Revenue may not judge it expedient to attach the lands for the purposes above recited, but shall be of opinion that the public revenue is wilfully withheld by the defaulter, or that the arrear is ascribable to his neglect, mismanagement, or misconduct, it shall be competent to the Board of Revenue to impose a penalty of one per cent. per mensem on the arrear, in addition to the prescribed interest, to be paid from the time when the arrear may have become due until it be discharged, or until the estate or farm of the defaulter may be attached* (*in which case the additional penalty in lieu of attachment is to cease*), *and to be levied in like manner as the interest is directed to be levied, viz. in the same manner as other revenue demands are enforced under the existing Regulations*]. In all cases where the collectors may not judge it advisable to *attach* the estate or farm of the defaulter for an arrear of revenue, and where the result of the fullest inquiry they may be able to make in such cases shall induce them to believe the arrear wilful, or owing to the neglect, mismanagement, or misconduct of the defaulter, they are to report the same, with a summary of the inquiry made by them, to the Board of Revenue; in like manner as they are already required by Clause Seventh of Section XXIII. Regulation VII. 1799, to make such report to the Board of Revenue, in cases wherein they may judge it proper to suspend *the attachment of estates or farms in arrear, or to suspend the demand of interest upon arrears*, on account of any calamity of season or cause of failure not originating in the neglect, mismanagement, or misconduct of the defaulter. The report so required is still to be made by the collectors whenever they may not carry into execution the general rule for *attachments, after the expiration of the third month of the year;* but as a full discretion is now vested in them (subject to the control of the Board of Revenue) for suspending the enforcement of that rule, in all cases where they may judge the same expedient, it is expected that they will be particularly careful to inform themselves, as far as possible, in all instances of arrear, of the real cause of arrear, whether want of good faith on the part of the defaulter, or actual inability from a failure in his rents or otherwise, so that the proper remedy may be applied to the ascertained circumstances of the case, and neither the public interests be injured by unmerited indulgence, or those of the individual suffer from undue severity. When the collectors, from the reports of their mofussil officers, or from other information obtained by them, may have good reason to believe that a defaulter has done his utmost to pay his revenue, but has been prevented by real inability, not proceeding from any personal deficiency, the attachment of his lands, whilst productive of expense and inconvenience to him, can produce no adequate advantage to Government. On the other hand, if it be known that the defaulter has the means of making good his arrear, or that the attachment of his lands will afford assets for the payment of it which might otherwise be misappropriated, *the attachment* would be evidently just and expedient, and whatever expense or other consequences might arise from it to the defaulter would be chargeable to his own misconduct. The local officers of Government can alone make this discrimination; and the Board of Revenue, in their reports to the Governor-

Rescinded by Sec. II. Reg. VII. 1830

See Sec. II. Act I. 1845.

Report required by Clause 7 of Sec. XXIII. Reg. VII. 1799, to be made by the collectors whenever they may not think proper to carry into execution the general rules for *attachment at the end of the third month of the year*

Collectors to be careful to ascertain the real cause of arrears.

Board of Revenue, in their reports on the towjee accounts, to no-

General in Council upon the towjee accounts of the collectors, are required to notice their attention, or otherwise, to this important part of their duty.

tice the attention of the collectors to this part of their duty.

III. [Immediate sale of attached estates on proprietors refusing to furnish accounts.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

See Sec. iii. Act I. 1845.

IV. Instances having occurred, in which, from the very small extent of certain estates, from their dispersed situation and inconsiderable produce, it has been found impossible to *attach* them without an expense altogether disproportionate to the arrear and value of the estates, the proprietors of which have in consequence withheld the amount due from them, though well able to discharge it; to provide for such cases, the Board of Revenue are hereby vested with authority to order the distress and sale of the personal property of defaulters, as far as may be necessary for the recovery of arrears of revenue or other public demands, whenever, from the reports of the collectors or other information before them, they may consider it just and expedient to have recourse to this mode of recovery, *instead of attaching the lands of the defaulters:* and whenever such distress and sale may be ordered by the Board of Revenue, it is to take place in the mode prescribed for the distress and sale of the personal property of under-tenants for arrears of rent, under a strict observance of the rules established for this purpose by Regulations XVII. 1793, XXXV. 1795, and VII. 1799, or any future Regulation on the subject. Provided, that this special rule be considered applicable only to the particular cases above referred to, in which the general rule for *attachments* cannot with facility be put in execution; and be not, in any instance, understood to vest the collectors with authority to sell the personal property of any proprietor or farmer of land paying revenue to Government, without the express sanction of the Board of Revenue. In applying for such sanction, the collectors are to make a full report of the circumstances under which they may judge it advisable to have recourse to the special rule contained in this Regulation; and are to state any pleas which may have been offered for the arrear, with their opinion whether the same are well founded or otherwise. Provided further, that nothing in this section, the operation of which is restricted to the province of Bengal, Behar, and Orissa, shall be considered applicable to the province of Benares; where the rule for the distress and sale of personal property, contained in Section XXII. Regulation V. 1800, and which has reference to the state of landed property and other circumstances peculiar to that province, is to remain in force as heretofore.

See Sec. ii. Act VIII. 1835.

Board of Revenue empowered, in certain cases, to cause the distress and sale of personal property of defaulting proprietors.

Rules for the distress and sale of the personal property of under-tenants to be strictly adhered to in the exercise of this power.

Collectors not to exercise this power without the express sanction of the Board of Revenue, in applying for which they are to make a report of all the circumstances.

The rules in this Section confined to Bengal, Behar, and Orissa.

V. VI. VII. [Sale of estates in one or more lots.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

VIII. Section X. Regulation I. 1793, prescribes the general rule and principle for the allotment of the fixed assessment upon all divisions of estates, whether publicly sold or transferred by the private act of the proprietors, viz. that the assessment upon the portion of the estate to be separated shall bear the same proportion to its actual produce, as the

Sec. x. Reg. I. 1793. to be strictly observed in all cases of public sale and private transfer or division.

fixed assessment upon the whole estate may bear to its actual produce. This rule is to be strictly observed in all cases, whether of public sale or private transfer, or of division between sharers, heirs, or joint proprietors of whatever description; and it is hereby explained, that by the term "actual produce" is to be understood the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent, or other gross produce, the actual expense of collection and other usual charges of management, inclusive of poolbundy or the expense of embankments, and similar incidental expenses, where such may be paid by the proprietor from his gross receipts; but exclusive of his malikanah or proprietary income, and all other personal appropriations of the gross produce of his estate, as such can have no claim to consideration in determining the neat produce for an equal division of landed property, or for the allotment of the public assessment thereto in conformity to the prescribed rule. But the above Regulation further provides, that the produce to which the general rule of proportion is to be applied shall be ascertained in the mode that is or may be prescribed by the Governor-General in Council; and the putwarry accounts furnished in pursuance of *Clause Fourth of Section LXII. Regulation VIII.* 1793,* for the allotment of the public revenue agreeably to the principles laid down in Regulation I. 1793, having in many instances proved fallacious or unsatisfactory, and in some instances not being procurable by the officers of Government, it is hereby enacted, that whenever the collector, or other public officer, to whom the allotment of the assessment upon the portion of an estate may be committed, shall have reason to suspect the accuracy of the village accounts produced by a putwarry, in pursuance of *Clause Fourth of Section LXII. Regulation VIII.* 1793,* or of any other Regulation; or if such accounts shall be found to have been fabricated or altered, or not to be the true accounts, under the process prescribed in *Clause Eighth of the above section and Regulation*;* or if in any case the true village accounts of the lands, rents, receipts, and disbursements, may not be forthcoming, but the collector or other officer, under the powers vested in him by *Clause First of Section XXIX. Regulation VII.* 1799,* or any other Regulation, shall have obtained satisfactory accounts for the three past years of the lands and rents of the entire zemindarry, talook, or other estate, with a specification of the mehal or mehals proposed to be separately assessed, he shall adjust the assessment upon such mehal or mehals, under the general rule of proportion, according to the average neat produce (as above explained) ascertainable from the general accounts of the estate so obtained, without further regard to the village accounts than may appear to him proper, with a view to compare and check the other accounts. Provided, however, that in all cases the collector or other officer shall adopt every authorized measure to obtain the most accurate accounts procurable, and shall fully satisfy himself that the accounts from which he may compute the neat produce of an estate to be divided and distinctly assessed are sufficiently accurate to prevent any risk of loss to Government from the proposed allotment of the assessment; without evidence of which, no distinct assessment is to be proposed by any collector, or approved by the Board of Revenue. Provided further, that nothing in this Regulation shall be understood to authorize the collectors to fix the

Explanation of the term "actual produce."

Officer to whom the allotment of the assessment of a portion of an estate may be committed, how to proceed, should he suspect the accuracy of the putwarry accounts, or should they not be forthcoming.

Nothing in this Regulation to be understood to authorize the

* Substitute Reg. XII. 1817.

amount of the assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of, without the sanction of the Board of Revenue; or to alter the provisions made for the correction of error or collusion in such allotments, by *Section XXV. Regulation XXV.* 1793, in cases of private divisions of estates, and by *Clause Second of Section XXIX. Regulation VII.* 1799, in cases of public sales. *Moreover, nothing in this Regulation is meant to supersede the rules contained in Section LXII. Regulation VIII.* 1793, *respecting the village putwarries; and, with a view to render the same more effectual, Clauses Third, Fourth, Fifth, Sixth, Seventh, and Eighth of the above section, are hereby declared to be equally applicable to all other descriptions of native agents employed by the landholders in the management of their estates, or in keeping any accounts of their lands, rents, receipts, or disbursements. If any such agent shall be convicted in the Zillah Court of having collusively fabricated or altered the accounts delivered by him, or of having wilfully delivered any other than the true accounts, the offender, besides the punishment for perjury to which he will be liable under Clause Eighth of the above section, shall be subject to dismission from the service of the party employing him, by order of the court; and such party shall be positively prohibited from again employing the offender, under whatever penalty the court may think proper to fix upon consideration of the circumstances of the case.*

Substitute XIX. 1814.

Rescinded by Sec. ii. and see Sec. xxx. Reg. XII. 1817.

Collectors to fix the amount of the assessment on a portion of an estate, without the sanction of the Board of Revenue; or to alter the provision of Sec. xxv. Reg. XXV, 1793, and Cl. 2, of Sec. xxix. Reg. VII. 1799

Rules in Sec. lxii Reg. viii. 1793, *respecting the village putwarries, not superseded by this Regulation*

Clauses 3, 4, 5, 6, 7, *and* 8, *of that section, extended to all native agents employed by landholders in the management of their estates.*

Any native agent convicted in a Zillah Court of altering accounts or not delivering the true ones, to be dismissed from the service of the party employing him, and such party prohibited from employing him again, under penalty.

Superseded by Sec. iii. Act I. 1845.

IX. *Whenever it may be requisite to dispose of the whole of an estate by public sale for the recovery of an arrear of revenue, and it may not be necessary, from the large extent of the estate or otherwise, under the provisions contained in Regulation V.* 1796, *and Sections VI. and VII. of the present Regulation, to dispose of the estate in two or more lots, there can be no difficulty in bringing the estate to sale immediately on the expiration of the year for which the arrear may be due, in conformity to Section XXIII. Regulation VII.* 1799, *and Section XXVI. Regulation V.* 1800; *as, in such cases, no allotment of the assessment is required, and it will be sufficient in the statement to be exhibited at the time of sale, to specify the name of the estate, the mehals composing it as entered in the last formed public register of estates, and the fixed assessment thereupon. Under the foregoing provisions, and those already made by Regulations VII.* 1799, *and V.* 1800, *for the attachment of the lands antecedent to the public sale of them, it is further expected that the collectors will be enabled, without any considerable delay, to adjust the assessment upon the portion of an estate proposed to be sold, and to transmit to the Board of Revenue the statement required by Clause Second of Section XXIX. Regulation VII.* 1799, *to be exhibited at the time of sale in such cases, viz. specifying the mehal or mehals to be sold, their computed rent produce, and the allotment of the sudder jumma thereto, in conformity to Section X. Regulation I.* 1793. *It may therefore be presumed, that all sales of land for arrears of revenue will hereafter take place within the first, or at the latest the second month after the expiration of the year for which such arrears may be due: but as instances may occur, under Clause Eighth of Section XXIII. Regulation VII.* 1799, *or some of the provisions in the present Regulation, wherein the sale may take place after the second month of the year, and when the proprietor, antecedent to the attachment of his lands for sale, may have granted leases for the current year to farmers, ryots, or other tenants, or may otherwise have concluded a settlement with his under-renters for the current*

Collectors to lose no time in submitting the necessary statements of lands for sale, in order that the sale may take place within the first or second month after the expiration of the year for which the arrear may be due.

Superseded by Secs. xxvi. to xxviii. Act I. 1845.

year, the Governor-General in Council, with a view to obviate any hardship which such under-renters or tenants might sustain from the immediate operation of Section V. Regulation XLIV. 1793, *and Section III. Regulation III.* 1796, *and to promote the general encouragement of agriculture, hereby enacts, that, in such cases, the operation of the two sections above mentioned, whereby on a public sale of lands for the discharge of arrears of the public assessment, the engagements, pottahs, and leases of the late proprietor (with certain exception) are cancelled from the day of sale, shall be suspended till the close of the Bengal, Fussily, or Willaity year, in which the sale may have taken place; and the purchaser, during such period, shall not be entitled to demand from any under-renter or tenant, of whatever denomination, more than the late incumbent could have legally demanded. Provided, however, that this suspension be not considered applicable to any engagements, pottahs, or leases, evidently collusive, nor, in any case, unless the sale shall have taken place after the second month of the year, according to the era current in the province wherein the lands may be situated.*

Operation of Sec. v. Reg. XLIV. 1793, *and Sec. iii. Reg. III.* 1796, *suspended in certain cases.*

Suspension not to take place when the engagement is evidently collusive, nor unless the sale shall have taken place subsequently to the second month of the year, according to the era current in the district.

X. All purchasers of lands at the public sales are required to attend the collector of the district wherein the lands may be situated, either in person or by their representatives duly authorized, and to execute the usual kubooleeut and kistbundy for the public revenue assessed upon the lands purchased by them. *In cases of doubt as to the real purchaser, or of suspicion that the purchase has been made in opposition to the rules contained in Clauses Third and Fourth of Section XXIX. Regulation VII.* 1799, *the collector is authorized to cause the personal attendance of the alleged purchaser at his cutcherry, if resident within his jurisdiction; or if the purchaser be resident in any other zillah, the collector of such zillah is authorized and required to cause the attendance of the purchaser at his cutcherry, on the application of the collector in whose district the lands may lie, and to make any examination or inquiry that may be desired by the latter collector or by the Board of Revenue; to whom a full report is to be made, in such cases, for the orders of the Governor-General in Council, as directed in Clause Fourth of Section XXIX. Regulation VII.* 1799. It is further hereby declared, that the collectors are generally empowered to cause the personal attendance of any landholder or other native inhabitant within their respective jurisdictions, when the attendance of such person may be indispensably necessary for the purpose of any authorized public inquiry, or to enable them to perform any part of their public duty, under the Regulations or instructions of the Governor-General in Council or Board of Revenue. But no collector shall cause the personal attendance of any landholder or other person who may appoint an agent duly authorized to attend for him, if the attendance of the agent so appointed shall be sufficient for the purpose required. Any infringement of this rule will subject the collectors to a prosecution for damages in the Civil Courts; and whenever they may have occasion to exercise the power now declared to be vested in them, they are to issue regular summonses, under their official seals and signatures, specifying the name, designation, and residence of the party summoned, and the purpose or purposes for which his attendance is required.

Collectors authorized to cause the attendance of any landholder or other native whose attendance may be required.

Superseded by the rescission of Sec. xxix. Reg VII. 1799; and see Sec. xxi. Act I. 1845.

See Secs xxviii. to xxxi Reg. XII. 1817

Not to enforce personal attendance of a principal, provided that of an authorized agent will be sufficient.

Collectors subject to prosecution for damages for any infringement of this rule.

Regular summons, under the seal and official signature of the collector, to be issued to persons whose attendance may be required by him.

XI. [Sale of shares in an undivided estate.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

XII. and XIII. [Division of joint estates and allotment of the assessment.]—*Rescinded by Section II. Regulation XIX.* 1814.

All talookdars who may consider themselves entitled to have their talooks separated, to apply to the collector of the zillah within one year from the date of this Regulation, after which period no talook will be considered separable unless such application shall have been made.

XIV. The rules contained in Regulation VIII. 1793, for the separation of certain talookdars, the actual proprietors of the lands composing their talooks, from the zemindarries to which they were attached at the period of the decennial settlement, having been construed to entitle talookdars of that description, who did not apply for separation at the time of the decennial settlement, to be separated on their application at any subsequent period; and it being necessary, for the security of purchasers at the public sales, that some period should be fixed for the operation of the above rules, to prevent their being at all times liable to deprivation of a part of their purchases, it is hereby required, that all talookdars who, as proprietors of the lands composing their talooks, may consider themselves entitled, under Section V. Regulation VIII. 1793, or any other part of that Regulation, to be separated from the zemindarries to which their talooks are attached, shall prefer a written application to the collector of the zillah in which their talooks may be situated for the separation thereof, within one year from the date of this Regulation, under penalty of forfeiting all title to separation under Regulation VIII. 1793, if they shall omit to apply, as directed, within the prescribed period; at the expiration of which the operation of the section above mentioned shall be considered extinct with regard to all talooks for which no claim to separation may have been then preferred, and such talooks shall thereafter be considered as dependent talooks, not entitled to be separated from the zemindarries to which they may be attached; though, in other respects, the rights of the talookdars are not meant to be in any degree affected by this Regulation. It is further hereby declared, that the rules regarding separable talooks contained in Regulation VIII. 1793, were never meant to be applied to any new talooks constituted since the period of the decennial settlement. By Section IX. Regulation I. 1793, the zemindars and all other proprietors of land have been declared at liberty to transfer by sale, gift, or otherwise, their proprietary rights in the whole or any portion of their respective estates; but by Section X. of the same Regulation it is required that all such transfers be notified to the collector of the zillah, that the fixed jumma assessed upon the whole estate may be apportioned on the several shares in the manner therein prescribed; that the names of the proprietors of each share and the jumma assessed thereon may be entered upon the public registers, and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who are thenceforward to be considered separate proprietors of distinct estates; but until such notification and separation shall have been made, the whole of the estate is declared responsible to Government for the discharge of the fixed jumma assessed upon it, in the same manner as if no transfer had taken place. This declaration is also repeated in Section XXVIII. Regulation [*XXV.* 1793], which contains the specific rules established by Government for the division of estates paying revenue, and the allotment of the jumma upon the several portions thereof. If, therefore, any zemindar shall have disposed of his proprietary rights in any portion of his zemindarry subsequently to the promulgation of the Regulation above mentioned, whether under the denomination of an indepen-

Rights of the talookdars in other respects not meant to be in any degree affected by this rule

Rules contained in Reg VIII 1793, regarding separable talooks, declared not applicable to any talook constituted since the decennial settlement

Substitute XIX 1814

Transfer of the proprietary right in portions of estates since the date of Reg *XXV*

1793, without observance of the rules contained in that Regulation; and Reg. I. 1793, declared invalid as far as respects the rights of Government.

dent talook or otherwise, and the talookdar, or other person to whom the portion of an estate may have been so transferred, shall have omitted to obtain a separate allotment of the public assessment thereon, in the mode prescribed by the Regulations, such transfer, as far as respects the rights of Government, must be considered altogether invalid: and if the land so privately transferred, but not separately assessed, should have been since, or shall be hereafter, included in any public sale for arrears of revenue, the illicit and imperfect private transfer must be deemed to have been altogether done away. In such cases, the lands transferred, until publicly registered and separately assessed, form part of an undivided estate; and as such are liable to be sold for any arrear of revenue which may be due from any part of the estate. Provided, however, that nothing in this section be considered applicable to dependent talooks, or other tenures dependent on the estate to which they are attached, and from which, by their title-deeds or otherwise, they are not entitled to be separated as a distinct estate. Section VI. Regulation XLIV. 1793, authorizes and confirms such tenures, subject to the restrictions contained in *Sections II. and V. of that Regulation;* with the explanation of the latter in Section VII. Regulation IV. 1794, *and Clause Fifth of Section XXIX. Regulation VII.* 1799.

Nothing in this section to be applied to dependent talooks or other dependent tenures.

Rules contained in this Regulation as applied to Regs. *XXV.* 1793, and VII. 1799, equally applicable to the corresponding Regulations for the province of Benares.

XV. The whole of the provisions contained in this Regulation, as applied to Regulation VII. 1799, are to be considered equally applicable to Regulation V. 1800, whereby the rules contained in Regulation VII. 1799, were extended to the province of Benares; and, in like manner, the provisions in this Regulation which have reference to *Regulation XXV.* 1793, are to be considered in force within that province, under the extension of the above Regulation to it by *Regulation XXVI.* 1795.

Substitute Reg. XIX. 1814.

Reg. II. 1801.

A.D. 1801. REGULATION II.*

A REGULATION *for the more speedy and effectual Administration of Justice in the Courts of Sudder Dewanny and Nizamut Adawlut:* PASSED *by the Governor-General in Council, on the* 12*th March,* 1801.

I. WHEREAS, by Section II. Regulation VI. 1793, the Court of Sudder Dewanny Adawlut consists of the Governor-General and the members of

* This Regulation, which modifies the jurisdiction and practice of both the Sudder Dewanny and Sudder Foujdary Adawluts, established under Regs. VI. and IX. 1793, has been the basis of much subsequent legislation, though most of its provisions have been modified, but not rescinded, nor entirely superseded.

Under the provisions of Reg. XII. 1811, the Court of Sudder Dewanny and Nizamut Adawlut consists of as many judges as the Government shall deem necessary for the dispatch of business; Sec. ii. Reg. III. of 1829, abolishes the distinctive denominations of the judges; Reg. XIII. 1810, gives powers to single judges of the Sudder Dewanny Adawlut; and Reg. VIII. 1808, to single judges of the Sudder Nizamut Adawlut, which are extended by Reg. IX. of 1831, Sec. ii. for the Sudder Dewanny, and Sec. iv. for the Sudder Nizamut Adawlut. The powers of single judges of the Sudder Nizamut Adawlut are further enlarged and declared by Sec. vii. Reg. XVII. 1817, and Sec. viii. of Reg. XII. 1825. Act II. 1843, requires that three judges shall sit in appeals in which a single judge has not concurred in the judgment passed by the lower court; and Act II. 1851, permits a judge to sit on an appeal from a judgment passed by himself. When four judges of the

the Supreme Council, and by Section LXVII. Regulation IX. 1793, the Court of Nizamut Adawlut consists of the Governor-General and the members of the Supreme Council, assisted by the head cauzy of Bengal, Behar, and Orissa (whose jurisdiction is extended by Regulation XLIX. 1795, to the province of Benares), and two mufteeis; and whereas, by reason of the various public duties of the Governor-General and of the members of the Supreme Council, unavoidable delays have arisen in the proceedings of the said courts, and it was therefore deemed necessary, with a view to prevent the accumulation of appeals in the Sudder Dewanny Adawlut, to limit the appeals to that court as provided by Regulations XII. 1797, and V. 1798, notwithstanding which limitations, the number of undecided causes in appeal has unavoidably increased; and whereas it is essentially necessary to the impartial, prompt, and efficient administration of justice, and to the permanent security of the persons and properties of the native inhabitants of these provinces, that the Governor-General in Council exercising the supreme legislative and executive authority of the state should administer the judicial functions of the Government by the means of courts of justice, distinct from the legislative and executive authority of the state; and whereas it is important to the honour and stability of the British Government, and to the happiness and prosperity of the native subjects of these provinces, that further provision should be made for the more effectual despatch of the proceedings of the said Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and that the exercise of the judicial functions of this Government should be more distinctly separated from the legislative and executive authority thereof; his Excellency the Most Noble the Governor-General in Council hath enacted the following Regulation, to be in immediate force throughout the provinces of Bengal, Behar, Orissa, and Benares.

II. Section II. Regulation VI. 1793, and Section LXVII. Regulation IX. 1793, are hereby repealed.

Sec. ii. Reg. VI. and Sec. lxvii. Reg. IX. 1793, repealed.

III. [Constitution of the court.]—*Superseded by Regulations XII.* 1811, *and III.* 1829.

IV. *The chief judge, and each of the puisne judges*, who may be appointed to the Court of Sudder Dewanny Adawlut, previous to entering upon the execution of the duties of his office shall take and subscribe [*before the Governor-General in Council*] the same oath as is required to be taken and subscribed *by the judges of the Provincial Courts of Appeal*, according to the form prescribed in Section II. Regulation V. 1793.

The judges to take an oath similar to that prescribed for judges of the *Provincial Courts of Appeal.*

Rescinded by Sec. iii. Reg. III. 1829. See Act XXI. 1837.

V. The Court of Sudder Dewanny Adawlut, *constituted by Section III. of this Regulation*, shall possess all the powers vested under the existing Regulations in the Court of Sudder Dewanny Adawlut, which was constituted by Section II. Regulation VI. 1793; and shall perform all the duties

The court shall possess all the powers, and perform all the duties described in former Regulations, under the modifications prescribed therein, and the following further provisions.

Sudder Dewanny, or Sudder Foujdarry Court, shall be equally divided in opinion, it is provided by Sec. ix. Reg. IX. 1831, that reference shall be made to a judge of the Sudder Court, for the North-western Provinces, established by Reg. VI. 1831. Act VIII. 1842, applies the title of SUDDER COURT to the court of highest civil and criminal jurisdiction; and Act XVII. 1841, authorizes the Sudder Courts to frame rules of practice for themselves, which, when sanctioned by the Government, shall have the power of Acts.

required to be performed by that court under Regulation VI. 1793, and under all other Regulations which have been passed and published in the mode prescribed by Regulation XLI. 1793, subject to all the modifications and provisions contained in such Regulations, and to the following further provisions.

To be an open court, *and to be held by not less than two judges, and no decree or final order to be valid, unless passed by two judges at least.*

Rules in case of difference of opinion between the judges present.

VI. The Court of Sudder Dewanny Adawlut is to be an open court, and to be holden as directed in Section III. Regulation VI. 1793, *as soon as a convenient place shall have been provided for the purpose. Two judges shall be necessary to hold a court; and no decree or final order of the court shall be valid unless passed by two judges present.* In the event of any difference of opinion arising when the three judges shall be present in court, the voices of the majority shall determine the question; but if a difference of opinion should arise when two judges only shall be present in court, the question then before the court shall be postponed for adjudication until the third judge shall attend. The judge who may be absent when any such case shall occur shall be duly advised of the same by the register to the court; and the *chief* judge shall instruct the register to summon a special sitting of the court for the adjudication of the question; or the chief judge shall order the said question to be brought forward for adjudication at the next ensuing ordinary sitting of the court, when all the said judges shall be present. The ordinary sittings of the court shall be holden on three fixed days in each week: and special sittings, when necessary, shall be summoned by the register, on his receiving orders for that purpose *from the chief judge, or (during the absence or indisposition of the chief judge) from the senior judge at the presidency: who is hereby declared to be vested with the same powers as are vested in the chief judge, whenever the chief judge may quit the presidency, or from indisposition or other cause may be unable to attend the court, and also whenever the chief judge shall desire the senior judge present to officiate for him.* It shall further be competent to *the chief judge or to* any judge of the court to whom this duty may be delegated by the court at large, to receive petitions of appeal, or any other petitions receivable by the Sudder Dewanny Adawlut, and to proceed thereupon as the Regulations authorize and direct, so that all such petitions be received in open court; and that no decision or final order be passed thereupon *otherwise than in the presence of two judges, nor any order* which may be repugnant to a previous decree or order of the court. Any one or more of the judges of the Sudder Dewanny Adawlut may also take the depositions of witnesses in open court, instead of causing the same to be taken by the register, as authorized by Regulation VI. 1793, in cases where this mode of examination may be judged advisable; and, generally, the judges of the Sudder Dewanny Adawlut are authorized to regulate the mode and order of their own proceedings, as well as the execution of their process, subject to the rules prescribed by the Regulations. *Every decree* shall be signed by the judges present at the passing of such decree; and all process issued from the court shall be signed by the register under such instructions as may be prescribed by the court for his guidance, in conformity to Section V. Regulation XIII. 1793, which empowers the judges of the several courts of justice, civil and criminal, to assign to all ministerial officers attached to these courts the duties to be performed by them respectively.

Ordinary sittings to be thrice in a week, and special sittings, when necessary, how to be summoned.

Powers vested in the senior judge present in the absence of the chief judge.

Modified by several enactments. — See note at the beginning of this Regulation.

The chief judge or any *other* judge duly empowered, may receive petitions and proceed thereon, but not to pass any final decree or order.

Any judge may take depositions instead of causing them to be taken by the register.

Court to regulate the mode and order of their own proceedings under the rules prescribed in the Regulations.

Decrees to be signed by the judges present, and all process by the register.

VII. By Section XIII. Regulation VI. 1793, the Court of Sudder Dewanny Adawlut is empowered to suspend from office any judge or judges of the *Provincial*, Zillah, or City Courts, for wilful disobedience or neglect of any process, rule, or order of the Court of Sudder Dewanny Adawlut, or for a false return thereto. Such suspension to be notified within ten days, with all relative proceedings and papers, for the determination of the Governor-General in Council. *By Section XV. Regulation V.* 1793, *the Court of Sudder Dewanny Adawlut is vested with a similar power in cases of disobedience, neglect, or false return to any process, rule, or order of a Provincial Court of Appeal, by any judge of a Zillah or City Court;* and by Section X. Regulation V. 1793, in all cases not expressly provided for, in which it shall appear to the *Provincial Courts of Appeal* that the judges of the Zillah or City Courts have been guilty of negligence or misconduct in the discharge of their duty, a report of the circumstances is directed to be made to the Sudder Dewanny Adawlut. But it is not defined by the Regulations in what manner the Court of Sudder Dewanny Adawlut is to proceed on the receipt of such reports, or on the receipt of similar reports directed to be made to that court by Section X. Regulation XIII. 1793, in cases of neglect or misconduct (other than corruption or extortion, for which a special rule is established) *by the registers to the Provincial, Zillah, or City Courts, or their assistants, or* by any *other* ministerial officers who may be covenanted servants of the Company. It is therefore enacted, that whenever a report of negligence or misconduct in the discharge of official duty may be made to the Court of Sudder Dewanny Adawlut, either in pursuance of the latter part of Section X. Regulation V. 1793, or of Section X. Regulation XIII. 1793, or in any case not expressly provided for by the Regulations, the Court of Sudder Dewanny Adawlut, after such inquiry as may be judged necessary in proof or explanation of the circumstances stated, shall, if the case appear to require the notice of the Governor-General in Council, report the same to him, with a copy of all proceedings and papers received on the subject of it, for such orders as may be judged proper. The Court of Sudder Dewanny Adawlut is directed to report to the Governor-General in Council all instances of wilful neglect of duty or aggravated misconduct by a covenanted servant of the Company employed in any of the Civil Courts, whether in a judicial or ministerial capacity; and whether such neglect or misconduct may have been reported to the Court of Sudder Dewanny Adawlut by a *Provincial*, Zillah, or City Court, or may otherwise appear from the proceedings and papers before the court. But if the case should appear to the court to involve an error of judgment only, or a slight default, for which an admonition from the court may be deemed a sufficient correction, the Court of Sudder Dewanny Adawlut, in the former case, is authorized to notice the error for the information and guidance of the party who may have committed it, or in the latter case, to advise him of his default and to admonish him accordingly.

Recapitulation of former Regulations for suspending judges of *Provincial*, Zillah, and City Courts, in cases of misconduct.

Not defined by former Regulations, how the Court of Sudder Dewanny Adawlut is to proceed on reports of neglect or misconduct in certain cases.

See Sec. 1. Act XXVI. 1839; and Act XXXVII. 1850.

Rules for the future guidance of the Sudder Dewanny Adawlut in such cases.

In what cases court to report to the Governor-General in Council.

Errors of judgment or slight defaults how to be corrected.

VIII. IX. [Limitation of appeals to the Sudder Dewanny Adawlut.]—*Rescinded by Clause First, Section III. Regulation XXVI.* 1814.

X. [Constitution of the Court of Sudder Nizamut Adawlut.]—*Rescinded by Section II. Regulation XV.* 1807. *See Regulation XII.* 1811 *and Acts III.* 1829, *and VIII.* 1842.

The judges to take the oath prescribed for the judges of the *Courts of Circuit.*

XI. The chief judge, and each of the puisne judges, who may be appointed to the Court of Nizamut Adawlut, previous to entering upon the execution of the duties of his office, shall take and subscribe [*before the Governor-General in Council*] the same oath as is required to be taken and subscribed by the judges of the *Courts of Circuit*, according to the form prescribed in Section XXXIV. Regulation IX. 1793.

Rescinded by Sec. iii. Reg. III. 1829; and see Act XXI. 1837.

The court shall possess all the powers, and perform all the duties described in former Regulations, under the modifications prescribed therein, and the following further provisions.

XII. The Court of Nizamut Adawlut *constituted by Section X. of this Regulation*, shall possess all the powers vested under the existing Regulations in the Court of Nizamut Adawlut, which was constituted by Section LXVII. Regulation IX. 1793; and shall perform all the duties required to be performed by that court under Regulation IX. 1793, and under all other Regulations which have been passed and published in the mode prescribed by Regulation XLI. 1793; subject to all the modifications and provisions contained in such Regulations, and to the following further provisions.

To be an open court, and subject to the same provisions as prescribed in Sec. vi. for the Sudder Dewanny Adawlut.

XIII. The Court of Nizamut Adawlut is to be an open court, and to be holden as directed in Section LXVI. Regulation IX. 1793, *as soon as a convenient place shall have been provided for the purpose*, under the same provisions, with respect to the number of judges necessary for holding a court, to an eventual difference of opinion between the judges, to the ordinary and special sittings of the court, to its mode and order of proceeding, and to the execution of its process, as have been prescribed in Section VI. of this Regulation for the Court of Sudder Dewanny Adawlut.

The powers vested by Sec. vii. for suspending judges, &c. in the Sudder Dewanny Adawlut, extended to the Court of Nizamut Adawlut.

XIV. The powers vested in the Court of Sudder Dewanny Adawlut to suspend from office any judge or judges of the *Provincial*, Zillah, or City Courts, for disobedience or neglect of any process, rule, or order of the Court of Sudder Dewanny Adawlut, or for a false return thereto, and to suspend any judge of a Zillah or City Court, in cases of disobedience, neglect, or false return to any process, rule, or order of a *Provincial Court of Appeal*, are hereby declared to be equally vested in the Court of Nizamut Adawlut, in similar cases of disobedience, neglect, or false return to any process, rule, or order of that court, by the judges of the *Courts of Circuit or* the zillah or city magistrates, as well as in cases of disobedience, neglect, or false return, by a zillah or city magistrate, to any process, rule, or order of a *Court of Circuit;* and, in such cases, the *Courts of Circuit* are directed to make the same reports to the Court of Nizamut Adawlut, as the *Provincial Courts of Appeal* are required to make to the Sudder Dewanny Adawlut by Section XV. Regulation V. 1793. The Court of Nizamut Adawlut is further authorized and directed to proceed upon reports from the *Courts of Circuit*, of neglect or misconduct by the zillah or city magistrates, made in pursuance of Section LXIII. Regulation IX. 1793, as well as upon reports from the *Court of Circuit* and zillah or city magistrates, of neglect or misconduct by their *registers*, assistants, or other ministerial officers, made in pursuance of Section X. Regulation XIII. 1793, in the same manner as the Court of Sudder Dewanny Adawlut is authorized and directed by Section VII. of this Regulation to proceed, upon similar reports to that court of neglect or misconduct, on the part of the judges of the Zillah and City Courts, or of the *registers*, assistants, and

Reports to be made by the *Courts of Circuit* to the Nizamut Adawlut in cases of neglect or misconduct.

Nizamut Adawlut how to proceed on such reports.

other ministerial officers of those courts, or of the *Provincial Courts of Appeal;* and in all cases wherein a covenanted servant of the Company employed in any of the Criminal Courts, or in any office of police, may appear to the Nizamut Adawlut to have been guilty of neglect of duty, or of other misconduct not expressly provided for by the Regulations, that court is either to report the same to the Governor-General in Council or to advise and admonish the party, as the case may require, under the provisions contained in Section VII. of this Regulation, the whole of which is declared applicable to such cases.

Superseded by the abolition of the Provincial Courts.

All applications from judges and magistrates for leave of absence to be made to the Governor-General in Council;

and reference to be made, in such cases, to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut.

XV. *The judges of the Provincial Courts of Appeal and Courts of Circuit, who by Section VI. Regulation XLVII.* 1793, *and Section VII. Regulation VII.* 1794, *are restricted from leaving their stations without the sanction of the Sudder Dewanny Adawlut and Nizamut Adawlut, shall hereafter apply for leave of absence to the Governor-General in Council, in like manner as the zillah and city judges and magistrates are required to make such applications by Section II. Regulation IV.* 1796. Previous, however, to any *provincial,* zillah, or city judge, *or any judge of circuit,* or zillah or city magistrate, being permitted by Government to quit his station, a reference shall be made to the Sudder Dewanny Adawlut and Nizamut Adawlut to ascertain the state of the public business depending before such judge or magistrate, and whether the leave of absence desired can be conveniently granted or otherwise.

Proceedings of the Sudder Dewanny Adawlut and Nizamut Adawlut not to be kept in the English language, further than the courts may find convenient and conducive to regularity.

Copies of proceedings not required hereafter, except in case of appeal to *his* Majesty in Council, or of reference to Governor-General in Council.

XVI. The proceedings of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, which have been heretofore kept in the English language, and copied for transmission to the Governor-General in Council and to the Honourable Court of Directors, are not required to be hereafter kept in English farther than the courts may find convenient and conducive to regularity; nor will copies of the proceedings of either court be hereafter required, except in cases of appeal to *his* Majesty in Council, or of reference to the Governor-General in Council, as prescribed by the Regulations, in which cases attested copies and translations are to be furnished as heretofore.

See Act II. 1844.

The office of translator to the Sudder Dewanny Adawlut and Nizamut Adawlut abolished; and such translations as may be requisite in future how to be made.

XVII. The office of translator to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut is abolished; and any translations which may be hereafter required by either court are to be made by the register and his assistants; or if, at any time, their other official avocations should not admit of their making the requisite translations, the court is empowered to cause the same to be made by any other competent person, as authorized with respect to trials referred to the Nizamut Adawlut, by Section III. Regulation X. 1799.

Provincial, Zillah, and City Courts, not to furnish translations of original papers sent to Sudder Dewanny Adawlut unless expressly required.

XVIII. Section XXX. Regulation VI. 1793, which requires the *Provincial Courts* to furnish the Sudder Dewanny Adawlut with translations of all papers in the country languages transmitted to that court, whether relating to causes appealed or to other matters, is hereby repealed; and the *Provincial Courts,* as well as the Zillah and City Courts, are directed to furnish hereafter translations of original papers transmitted to the Sudder Dewanny Adawlut, in such cases only wherein translations may

be required by the precepts of that court, or by any Regulation or order expressly requiring the same.

Provincial Courts shall not require translations from the Zillah or City Courts unless required by the Sudder Dewanny Adawlut.

How translations are to be made, when required by the Sudder Dewanny Adawlut from the *Provincial*, Zillah, or City Courts.

XIX. Section III. Regulation XIX. 1797, is also hereby repealed; *and the Provincial Courts of Appeal shall not hereafter require the Zillah or City Courts to furnish them with translations of proceedings and papers in causes appealed to the Court of Sudder Dewanny Adawlut, excepting in cases wherein translations may be required by that court of the proceedings held, or papers filed, in the Zillah or City Courts.* Provided, however, that in all such cases, viz. whenever the Court of Sudder Dewanny Adawlut, upon appeals to *his* Majesty in Council, or otherwise, may have occasion to require translations of any proceedings held, or original papers filed in a Zillah or City Court, such translations are to be prepared by the registers and assistants to the Zillah and City Courts, as provided by Section IV. Regulation XIX. 1797; which (with Section V. of the same Regulation, where it may be necessary to employ occasional translators not in the civil service) is still to be considered in force, with respect to any future translations which may be required from the *Provincial Courts of Appeal.*

Modified by Act II. 1844.

Reg. III. 1801.

A.D. 1801. REGULATION III.

A Regulation *for putting a Stop to the Practice, which prevails in many Parts of the Company's Provinces, of Parties in Civil Suits preferring unfounded Accusations of Perjury against the Witnesses in such Suits, and unfounded Charges of Subornation of Perjury against the adverse Parties in such Suits:* Passed *by the Governor-General in Council, on the* 19*th March*, 1801.

I. By Section XIV. Regulation IV. 1793, extended to Benares by Section II. Regulation VIII. 1795, it is enacted, that "if a witness or any person shall be guilty of wilful or corrupt perjury in any cause or matter depending in court, the judge is immediately to commit the offender to close custody, to take his trial before the Court of Circuit of the division in which the offence may be committed." But a practice has become very prevalent in different parts of the Company's provinces, for parties in civil suits to prefer unfounded charges of perjury against the witnesses of their opponents, and against their own witnesses, where their evidence does not establish every point which they may have been brought to prove, and similar charges of subornation of perjury against the adverse parties in such suits. These accusations are frequently supported by gross perjury on the part of the witnesses produced in support of them; and unless checked, they will deter all men of respectability from appearing to give their testimony on oath in any court of justice, except on compulsion, and will greatly increase the difficulties which already exist in obtaining the voluntary attendance of witnesses of this description, while exposed, as at present, to the disgrace of a commitment to gaol and of a public trial on

a criminal charge. The only effectual remedy which can be applied to this abuse, is to take away altogether from parties in civil suits the right of bringing forward such accusations, and to leave it in the discretion of the judge to determine when any witnesses brought before him are guilty of perjury, which he may always be able to do by cross-questioning them minutely, and by confronting them, when necessary, with the witnesses of the adverse party. On this principle, the Governor-General in Council has enacted the following rule, to be in force as soon as promulgated, throughout the provinces of Bengal, Behar, Orissa, and Benares.

See Sec. xiv. Reg. XVII. 1817.

Magistrates not to receive charges of perjury.

II. The magistrates of the several Zillah and City Courts shall not receive any charges of perjury which may be preferred by parties in civil suits, either against their own witnesses or against the witnesses of the adverse party, or of subornation of perjury against the adverse parties in such suits; and all individuals whose attendance is required in the Civil Courts, either as plaintiffs, defendants, or witnesses, are hereby declared not to be liable to any prosecutions of this description, unless they shall be committed to take their trial by the zillah or city judge, under the authority vested in him by Section XIV. Regulation IV. 1793.

Individuals attending in civil causes not liable to prosecutions for perjury, unless committed for trial by the judge.

A.D. 1801. REGULATION IV.

Reg. IV. 1801.

A Regulation *for the Modification of certain Parts of Regulation IX.* 1800, *entitled "A Regulation for the Foundation of a College at Fort William in Bengal, and for the better Instruction of the Junior Civil Servants of the Honourable the English East-India Company in the important Duties belonging to the several arduous Stations to which the said Junior Civil Servants may be respectively destined in the Administration of Justice, and in the general Government of the British Empire in India:"* Passed *by the Governor-General in Council, on the* 11*th April,* 1801.

[Rescinded by Section II. Regulation XX. 1814.]

A.D. 1801. REGULATION V.

Reg. V. 1801.

A Regulation *for the Re-establishment, with certain Exceptions, of the Calcutta Town Duties, abolished by Section II. Regulation XXXIX.* 1795: Passed *by the Governor-General in Council, on the* 14*th May,* 1801.

[Rescinded by Section II. Regulation X. 1810.]

Reg. VI. 1801.

A.D. 1801. REGULATION VI.

A REGULATION *for providing more effectually against the illicit Manufacture, Importation, Transportation, and Sale of Salt:* PASSED *by the Governor-General in Council, on the 4th July,* 1801.

[Rescinded by Section II. Regulation X. 1819.]

Reg. VII. 1801.

A.D. 1801. REGULATION VII.

A REGULATION *for modifying the Duty on coasting Vessels commonly called Dhonies, and for providing for the better Collection of the same; and for the Establishment of a Duty of one Anna per Ton on Vessels importing into, or exporting from, the river Hooghly, for defraying the Expenses attendant on a Magazine to be erected for the Reception of the Gunpowder of Ships entering the said River:* PASSED *by the Governor-General in Council, on the 16th July,* 1801.

I. WHEREAS, by an order passed by the Governor-General in Council, under date the 16th of November, 1787, and by an advertisement conformable to that order, published under the same date, the master attendant was authorized to levy a duty, at the rate of one sicca rupee for every one hundred maunds of the burthen of all dhonies piloted into the river Hooghly by natives, not in the service of Government; and whereas the payment of this duty has been frequently evaded owing to defects in the rules for its collection; and whereas the Governor-General in Council has judged it to be proper that a duty shall be levied on the tonnage of vessels importing into, or exporting from, the river Hooghly, for defraying the expenses attendant on a magazine to be erected for the reception of the gunpowder of ships entering the said river; the following rules have been enacted.

Former duty on dhonies abolished, and a duty of one rupee per hundred maunds burthen to be levied in future, with the provision that no dhony shall pay more than sixty rupees.

II. The duty heretofore levied on dhonies piloted into the river Hooghly by natives, not in the service of Government, is hereby abolished from the 15th day of August next; and from and after that date, every dhony exporting from the river Hooghly without taking a pilot in the service of Government, shall pay, as a consideration for the benefit derived from the Company's buoys, a duty at the rate of one *sicca* rupee for every hundred maunds of the burthen of the vessel; with this exception, that a dhony of a burthen which shall exceed six thousand maunds shall pay only sixty rupees, this being the highest duty to which any dhony shall be subject, whatever may be her burthen.

See Sec. xiii. Act XIV. 1836.

The duty to be collected by the marine paymaster, agreeably to a certificate from the master attendant.

III. The duty shall be collected by the marine paymaster. Upon any dhony being about to sail, the master of the vessel shall make application to the master attendant for a certificate of the amount of the duty payable

See Sec. lxxxviii. Reg. IX. 1810.

on account of the vessel, which certificate the master attendant is required to grant in the following form:

"This is to certify, that the duty payable on the dhony ———, No. ——, of the burthen of ——— maunds, ——— master, in pursuance of Section II. Regulation VII. 1801, is *sicca* rupees ———

"Calcutta, "A. B.
this —— day of —— "Master Attendant."
180—

"To C. D. Marine Paymaster."

The certificate must be delivered to the marine paymaster; who, upon the duty being paid, is required to furnish the master of the dhony with a certificate in the following form:

"This is to certify, that the duty on the dhony ———, No. ——, ——— master, has this day been paid.

"The —— of ——— "C. D.
180— "Marine Paymaster."

"To. E. F. Collector of the Government Customs at Calcutta."

This certificate shall be delivered to the collector of the Government customs; and until the certificate shall have been so delivered, the collector shall not grant a port clearance for the dhony.

No port-clearance to be granted to a dhony without a certificate from the marine paymaster.

IV. Should any dhony depart, or attempt to depart, without paying the duty, the master attendant shall stop the dhony, and shall report the circumstances of the case to the Marine Board; which board, upon being satisfied that there was an intention on the part of the master of the dhony to evade the payment of the duty, shall direct double duty to be levied on the dhony; and until such double duty shall be paid, the dhony shall not be permitted to depart from the port. The additional duty shall be carried to the account of the pension fund of the pilots.

Dhonies attempting to depart without paying duty, to be stopped, and a report made to the Marine Board, who may direct double duties to be levied. The additional duties to be carried to the credit of the pension fund of the pilots.

V. All dhonies trading to or from the port of Calcutta shall be numbered, and the master attendant shall cause the numbers to be painted on the sterns of the vessels.

All dhonies to be numbered.

See Acts X. 1841, and XI. 1850.

VI. A register shall be kept at the office of the master attendant of all dhonies trading to or from the port of Calcutta, in the following form:

The master attendant to keep a register of all dhonies.

REGISTER *of Dhonies trading to or from the Port of Calcutta.*

Names.	Nos.	Burthen in Maunds.	Names of the Masters or Syrangs.	To what Port the Dhonies belong.

A duty of one anna per ton on all trading vessels (dhonies and *king's* ships excepted) to be levied by the marine paymaster for defraying the expense of a powder magazine.

VII. *First.* Whereas the Governor-General in Council has been pleased, by an Order in Council dated the 16th July, 1801, and published in the Calcutta Gazette, to direct that a magazine be erected at Atchepore, for the reception of the gunpowder of ships entering or lying in the river Hooghly, it is hereby enacted, for the purpose of defraying the expense of the erection of the said magazine, and of the establishment of officers to be attached thereto, that every vessel importing at the port of Calcutta, and every vessel exporting therefrom (dhonies and *his* Majesty's ships excepted), shall pay a duty of one anna per ton for every ton of the tonnage of the vessel, to be calculated according to its measurement. The duty shall be collected by the marine paymaster when he levies the money for the pilotage of the vessels.

No vessel to receive a port clearance until such duty has been paid.

Second. In case the commander or owner of any vessel shall refuse to pay the duty established in this section, the collector of the Government customs shall not grant a port clearance to such vessel until the amount of the duty shall have been discharged.

Reg. VIII. 1801.

A.D. 1801. REGULATION VIII.

A REGULATION *for modifying the Mahomedan Law in certain Cases of Kutl-Khota, or accidental Homicide, and in other Cases of the like Nature:* PASSED *by the Governor-General in Council, on the* 31*st July*, 1801.

I. FROM an exposition of the Mahomedan law given by the law officers of the Nizamut Adawlut, and from the books of authority cited by them, it appears that a person deliberately intending to murder one individual and accidentally killing another, is not, by the Mahomedan law, held liable to the punishment of murder; this case, as well as all cases in which any mistake or accident may occur, either in the design of the person committing the homicide or in the act whereby the homicide is committed, being considered, under the rules of kisas, or retaliation and private satisfaction, upon which this part of the Mahomedan law is founded, to be within the legal denomination of kutl-khota, or accidental homicide, and consequently not liable to the punishment of wilful murder, but expiable by a fine to the heirs of the slain. It appears further that the Mahomedan law, in this respect, makes no distinction between involuntary homicide in the prosecution of a lawful intention, as for instance shooting at a mark and accidentally killing a man, and involuntary homicide in the prosecution of an unlawful and murderous intention, such as shooting at a man with an intention to kill him and by accident killing another man, or even killing the person intended to be murdered, if any accident intervene, such as the arrow or other instrument of death passing by the person aimed at and killing him on a rebound; though the intention being in the first case innocent, in the two latter cases criminal, there is evident reason for distinguishing them, and on principles of public justice, which regards the detriment and danger to society from the commission of crimes, rather

than the individual injury resulting from them, the homicide actually committed in prosecution of a deliberate intent to commit murder must be held justly liable to the punishment of murder. The same reason is equally applicable in cases of a like nature where a person criminally intending to wound, maim, or otherwise do corporal injury to one individual, may in the prosecution of such criminal intention accidentally wound, maim, or otherwise corporally injure another person. With a view, therefore, to provide for the due administration of justice in such cases, and to deter all persons from the prosection of unlawful criminal designs, by warning them that they will be responsible for acts done by them in prosecution of such evil designs, the Most Noble the Governor-General in Council has passed the following rules, in modification of the Mahomedan law, to be in force within the provinces of Bengal, Behar, Orissa, and Benares, from the 1st day of August, A.C. 1801, corresponding with the 18th Sawun of the Bengal year 1208; the 18th Sawun, 1208, Willaity; the 7th Sawun, 1208, Fussily; the 7th Sawun, 1858, Sumbut; and the 20th Rubbee-ul-Awul, 1216, Higeree.

Any person convicted of an intention to murder an individual, and having in the prosecution of such intention killed another person, shall be liable to the punishment of murder.

How the courts are to proceed in such cases.

II. After the date fixed for the operation of this Regulation, any person who may be convicted of having, subsequent thereto, deliberately and maliciously intended to murder one individual, and of having, in the prosecution of such intention, accidentally killed another individual, shall on account of the murderous intention and actual homicide be liable to the punishment of murder, in like manner as if he had killed the person intended to be murdered. In all such cases, the law officers of the Courts of *Circuit* and of the Nizamut Adawlut (to which court all trials of this description are to be referred) shall be required to state what punishment the prisoner would have been liable to if he had committed the murder intended by him; and if their futwa shall declare him in such case liable to suffer death, or if under the futwa so given, and the modifications of the Mahomedan law contained in Regulations IV. 1797, and VIII. 1799, or any other Regulation, the prisoner be liable to suffer death, the Court of Nizamut Adawlut, provided it be established to their satisfaction that the prisoner intended to commit the crime of deliberate and malicious murder, and that the homicide charged against him was actually committed by him in the prosecution of such murderous intention, shall sentence the prisoner to suffer death; unless they shall see any circumstances which may, in their judgment, render him a proper object of mercy, *in which case they are to recommend to the Governor-General in Council either the pardon of the prisoner or a mitigation of his punishment, as they shall judge proper; stating, in either case, their reasons for the pardon or mitigation of punishment recommended by them.*

Superseded by Sec. ii. Reg. XIV. 1810.

The foregoing rule declared applicable to all cases of accidental homicide, wherein the criminal intention of the party, if carried into execution, would subject him to a sentence of death.

III. The rule contained in the preceding section is to be considered equally applicable to any other cases of homicide, which may be declared by the law officers of the Courts of *Circuit* or Nizamut Adawlut to be within the Mahomedan law of kutl-khota, kutl-kaeem-mokam-ba-khota, or other legal denominations of accidental homicide; but in which the prisoner shall be clearly convicted of having committed the homicide proved against him with a murderous intention, such as if carried into effect would have subjected him to a sentence of death; or with a deliberate

intention to commit any crime that, if committed in pursuance of the prisoner's criminal design, would have rendered him liable to a sentence of death.

Any person convicted of intending to maim, wound, &c. an individual, and in the prosecution of such intention, of maiming or wounding another, shall be liable to the same punishment as if his criminal intention had been put in execution.

Courts how to proceed in such cases.

IV. In like manner, after the date fixed for the operation of this Regulation, any person who may be convicted of having, subsequent thereto, unlawfully and maliciously intended to wound, maim, or otherwise do corporal injury to one individual, and of having, in the prosecution of such intention, accidentally wounded, maimed, or otherwise corporally injured another individual, shall be held punishable for the act committed by him with such unlawful and malicious intention, in like manner as if such act had been perpetrated on the person intended to have been wounded, maimed, or otherwise injured. The law officers of the *Courts of Circuit*, in such cases, shall be required to state the punishment to which the prisoner would have been liable if he had committed the act of which he is convicted, upon the person intended to have been wounded, maimed, or otherwise injured by him; and the *Courts of Circuit* shall pass sentence accordingly, or refer the trial to the Court of Nizamut Adawlut, as the case may be referable to that court, or otherwise, under the general Regulations.

How the Nizamut Adawlut are to proceed in such cases.

V. In trials referred under the preceding section to the Court of Nizamut Adawlut, the law officers of that court shall also declare in their futwa to what punishment the prisoner would have been liable, if the act of which he is convicted had been committed as intended by him; and the court, after considering such futwa with the whole of the proceedings in the case, are to pass such sentence on the prisoner, short of death, as they may judge adequate to his offence; *or if they consider him a proper object of mercy, may recommend his pardon to the Governor-General in Council, stating their reasons for the pardon recommended by them.*

Superseded by Sec. ii. Reg. XIV. 1810.

The rules contained in Sec. iii. Reg. IV. 1797, not applicable to the cases specified in Secs. ii. and iii. of this Regulation.

The courts are not, however, to pass sentence of imprisonment, &c. in cases of accidental homicide, when no unlawful or criminal intention appears.

VI. Such part of Section III. Regulation IV. 1797, as authorizes the *Courts of Circuit*, in cases of kutl-khota, and other cases of accidental homicide, when the prisoner may be declared liable to the deyat, or price of blood, to commute such price to imprisonment, is not to be considered applicable to any of the cases noticed in Sections II. and III. of this Regulation, but is to be in force, as heretofore, with regard to case of homicide not otherwise provided for by the above sections. The *Courts of Circuit*, however, are not to sentence the prisoner to suffer any imprisonment, or other punishment, in the cases of accidental homicide mentioned in Section III. Regulation IV. 1797, although the deyat should be declared by their law officers to be payable under the Mahomedan law, if the homicide shall clearly appear to have been committed by misadventure in the prosecution of a lawful act, and without any malignant intention.

A.D. 1801. REGULATION IX.

Reg. IX. 1801.

A REGULATION *to limit the Operation of Section XV. Regulation VII. 1799, upon Persons employed in the Salt Manufacture, or in the Provision of the Company's Investment, and to explain and amend Section II. Regulation XI. 1796, with respect to Persons so employed, and others charged with Resistance of Process under that Regulation:* PASSED *by the Governor-General in Council, on the 31st July,* 1801.

I. SECTIONS XIX. XX. and XXI. of Regulation XXIX. 1793, contain provisions for preventing interruption to the salt manufacture, by the arrest and confinement of persons employed in it during the manufacturing season, viz. from the beginning of the month of Kautick to the end of the month of Assar, on account of arrears of rent or other claims of a civil nature, as well as on account of criminal charges for bailable offences; except in particular cases, wherein the personal attendance of persons employed in the salt manufacture may appear to the zillah judges or magistrates to be indispensably necessary for the purposes of justice. Similar provisions were made by Sections IX. X. and XII. of Regulation XXXI. 1793, with respect to weavers and others employed in the Company's investment, for the purpose of preventing undue interruption to the commercial concerns of the Company. At the same time, full provision was made by the above Regulations, for enabling proprietors and farmers of land to recover the rents due to them from their under-tenants, employed either in the salt manufacture or in any part of the Company's investment, by empowering them to distrain and sell, under certain restrictions, the crops and personal property of their under-tenants in arrear, or to sue for the recovery of the amount due to them in the Courts of Dewanny Adawlut, or to state their claims to the salt agent or commercial resident, who were authorized to satisfy the same, or to cause the same to be satisfied by the under-tenant in arrear, provided the latter should be at the time in the actual employ of the Company, so that neither his labour on their account might be interrupted, nor any arrear of rent withheld which might be justly due for the land tenanted by him. It was not therefore intended, that molungees and others employed in the manufacture of salt, or weavers and others employed in the provision of the Company's investment, should be included in the rule enacted by Section XV. Regulation VII. 1799, whereby proprietors and farmers of land, to whom an arrear of rent may be due from their under-tenants which cannot be realized by a distress of personal property, are authorized to cause the arrest of the defaulter and his surety in the mode therein prescribed, and their confinement after a summary inquiry before the judge of the zillah Dewanny Adawlut. But from the general terms of this latter rule a doubt has arisen, whether it was not meant to supersede the former provisions in Regulations XXIX. and XXXI. 1793, respecting persons employed in the manufacture of salt, or in the Company's investment, who, as tenants of land, might become liable to the operation of Section XV. Regulation VII. 1799. It has also been doubted, whether the rule con-

tained in Section II. Regulation XI. 1796, for apprehending persons charged with resistance to the process of a zillah or city magistrate or police officer, could in any case admit of bail being taken from persons so charged, whether employed in the manufacture of salt or the provision of the Company's investment, or otherwise. To remove all room for doubt on these points, therefore, and to amend the rule last mentioned, in cases where the judgments of the magistrates may be within the powers vested in them, under Section VIII. Regulation IX. 1793, his Excellency the Most Noble the Governor-General in Council has enacted the following Regulation, to be considered in immediate force throughout the provinces of Bengal, Behar, and Orissa, as well as in Benares, as far as it may be applicable to that province.

The summary process authorized in Cl. 1 to 6 of Sec. xv. Reg. VII. 1799, shall not be applicable to under-tenants employed in the salt manufacture, during the manufacturing season.

Superseded by Sec. xx. Reg. X. 1819.

II. *The summary process authorized by Clauses First, Second, Third, Fourth, Fifth, and Sixth, of Section XV. Regulation VII.* 1799, *for the arrest and confinement of defaulting under-tenants of land and their sureties, shall not be applied to under-tenants employed in the manufacture of salt during the manufacturing season, as described in Section XVIII. Regulation XXIX.* 1793, *viz. from the commencement of the month of Kartick to the end of the month of Assar. The rent payable by persons so employed can seldom be so considerable as not to be recoverable by distraining their crops and other personal property, as authorized by Regulations XVII.* 1793, *XXXV.* 1795, *and VII.* 1799, *provided the distress be levied in due time; but if, in any instance, an arrear of rent should be due from a person employed in the manufacture of salt which cannot be realized by distraining his crops and other personal property (and that of his surety, if he shall have given security), the proprietor or farmer of land, to whom such arrear may be due, or his authorized representative, is to proceed for the recovery of it in the mode directed by [Section XIX. Regulation XXIX.* 1793, *which is still to be considered in full force, as well as Sections XX. and XXI. of the same Regulation, notwithstanding any part of Regulation VII.* 1799, *or any other Regulation passed antecedent to this date.*]

Such persons to be proceeded against as directed in Sec. XIX. Reg. XXIX. 1793, *and other Sections.*

Rescinded by Sec. ii. Reg. X. 1819.

III. [Proceedings against parties employed in the provision of the Company's investment.]—*Rescinded by Section II. Regulation IX.* 1829.

IV. [Resistance to process of the magistrates or police officers.]—*Rescinded by Section II. Regulation IX.* 1829.

Magistrates may inflict punishment in certain cases of resistance without the reference required in Cl. 5, Sec. ii. Reg. XI. 1796, but subject to the general rule contained in Sec. xvii. Reg. IX. 1793.

V. It is further hereby provided, that in cases of resistance of process not attended with any aggravating circumstances, wherein the magistrate before whom the charge may be tried shall judge it sufficient to inflict the punishment which he is authorized to inflict for petty offences, under Section VIII. Regulation IX. 1793, it shall not be necessary to transmit his proceedings for the confirmation of the Nizamut Adawlut, as required by Clause Fifth of Section II. Regulation XI. 1796, but the judgment of the magistrates shall be executed, in such cases, without reference to the Nizamut Adawlut, *subject to the general rule contained in Section XVII. Regulation IX.* 1793, *whereby the judgments of the several zillah and city magistrates are liable to revision by the Courts of Circuit; and if appearing to have been passed upon insufficient grounds, to be altered or reversed by the*

Repealed by Sec. i. Act XXXI. 1841; and see Act XIX. 1848.

Repealed by Sec. i. Act XXXI. 1841; and see Act XIX. 1848.

Court of Nizamut Adawlut. In the execution of this rule, the judges of the Courts of Circuit, to whom the original proceedings of the magistrates are submitted at the successive gaol deliveries, are expected to examine with attention the proceedings of the magistrate, in any case wherein a petition of complaint may be preferred to them at the gaol delivery next ensuing after the magistrate's decision upon the case, and to make the report directed by the above section to the Court of Nizamut Adawlut, if the circumstances of the case shall appear to require it, or if otherwise, to inform the party complaining by a written order upon his petition.

In such cases, the judges of the Courts of Circuit are to examine the proceedings of the magistrates with attention, and report thereon.

A.D. 1801. REGULATION X.

Reg. X. 1801.

A Regulation *for the Establishment of certain Duties, to be levied on Goods imported into the Cities of Patna, Dacca, Moorshedabad, and Benares, and for subjecting certain additional Articles to the Payment of the Calcutta Town Duties:* Passed *by the Governor-General in Council, on the 6th August,* 1801.

[Rescinded by Section II. Regulation IX. 1810.]

A.D. 1801. REGULATION XI.

Reg. XI. 1801.

A Regulation *for re-establishing, with certain Alterations, the Government Customs heretofore levied at Calcutta on inland Imports and Exports, and also the Government Customs heretofore levied at Hooghly, Moorshedabad, Dacca, Chittagong, and Patna, and discontinued by the Orders of the Governor-General in Council, dated the 20th June,* 1788; *and for withdrawing the Custom-House established at Manjee by the said Orders, and continued under Regulation XLII.* 1793: Passed *by the Governor-General in Council, on the 6th August,* 1801.

[Rescinded by Section II. Regulation IX. 1810.]

Reg. XII. 1801.

A.D. 1801. REGULATION XII.

A REGULATION *for determining what Magistrates, Collectors of Revenue, Collectors of Customs, Commercial Residents or Agents, or Officers of Police, shall exercise the Power of Seizing Salt under Clauses First, Second, Third, Fourth, Fifth, Sixth, and Seventh, Section XI. Regulation VI.* 1801: PASSED *by the Governor-General in Council, on the 6th August,* 1801.

[Rescinded by Section II. Regulation X. 1819.]

Reg. I. 1802.

A.D. 1802. REGULATION I.

A REGULATION *for declaring the Articles of Piece Goods, of whatever Description, Cotton, Cotton Yarn, Ghee, and Charcoal, to be subject to the Government Customs established by Regulation XI.* 1801: PASSED *by the Vice-President in Council, on the 28th of January,* 1802.

[Rescinded by Section II. Regulation IX. 1810.]

Reg. II. 1802.

A.D. 1802. REGULATION II.*

A REGULATION *for levying a Duty on Spirits manufactured at Distilleries constructed and worked according to the European manner:* PASSED *by the Governor-General in Council, on the 22nd April,* 1802.

I. WITH a view to the improvement of the public resources by means of a duty payable on spirits manufactured at distilleries constructed and worked according to the European manner, the following rules are passed by the Governor-General in Council, to be, immediately from the passing thereof, in force in the provinces of Bengal, Behar, and Benares, and that part of Orissa which is included in the Company's territories.

* It is enacted by Clauses 3 and 4, Sec. ii. Reg. VII. 1824, that no distillery shall be constructed or worked by British subjects more than ten miles from Calcutta without a license from the collector or other officer in charge of the abkarry mahal; and that within the Twenty-four Pergunnahs and districts adjacent to Calcutta, the Governor-General in Council may invest other officers with the powers here given to the justices of the peace.—Act XXV. 1840, provides for the appointment of commissioners of abkarry revenue.

II. No person shall, after one month subsequent to the passing of this Regulation, construct or work a distillery or distilleries after the manner in which distilleries are constructed and worked in England, without a license under the signature of three of the justices of the peace for the time being, acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta, *whether the place at which it may be intended to establish such distillery be situated within the limits of the said Twenty-four Pergunnahs and the said districts adjacent to Calcutta or otherwise,* upon pain of forfeiting all the spirits manufactured at such distillery or distilleries, together with all the stills, vessels, and other moveables appertaining to such distillery or distilleries, and also the sum of two *sicca* rupees for each and every gallon, each and every still in such distillery or distilleries is calculated to contain, for each and every day on which he shall work each and every such still and stills in the said distillery or distilleries without such license. Any person wishing to construct or work a distillery of the above description is accordingly to make the necessary application for a license for that purpose to one of the said justices of the peace for the time being, acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta.

No person permitted to construct or work a distillery according to the method in which distilleries are constructed and worked in Europe, without a license from the Calcutta magistrates.

Modified by Cls. 3, 4, and 5, Sec. ii. Reg. VII. 1824.

Penalty for breach of this rule.

Superseded by Cls. 3, 4, and 5, Sec. ii. Reg. VII. 1824.

III. *It shall be the duty of the magistrates and collectors of the several districts in the provinces of Bengal, Behar, Benares, and Orissa, to inform the justices of the peace acting in and for the Twenty-four Pergunnahs and districts adjacent to Calcutta, of any distilleries of the aforesaid description, which either are or may be established within the limits of their respective zillahs.*

The magistrates and collectors throughout the provinces to report to the Calcutta magistrates all distilleries constructed or worked in the European manner.

IV.* On receipt of a license for establishing a distillery, the proprietor shall, within ten days, make a regular entry of every warehouse, godown, and other place used for carrying on the business of the distillery, or for depositing the said spirits in when manufactured, in a book to be kept for that purpose by the aforesaid justices of the peace acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta, or by the officers appointed by the said justices of the peace, in the manner hereinafter mentioned, attending upon and at such distillery, upon pain of forfeiting *sicca* rupees one thousand for not doing so.

Proprietors of distilleries receiving such license to make entry of every warehouse, &c. within ten days, under penalty of Rs. 1,000.

V.* Every distiller, five days before he begins to bring in materials for manufacturing spirits, shall make entry of all stills, coppers, tuns, butts, coolers, casks, and vessels, which he shall use in each and every distillery, with and in a book to be kept by the gauger appointed, in the manner hereinafter mentioned, by the said justices of the peace for the time being acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta, to attend at and upon such distillery and distilleries; and the same shall be duly marked by the surveyor, or in his absence by his deputy, or the gauger to be appointed as hereinafter mentioned; and all and every person and persons offending against this provision shall for

Distillers shall make entry, five days before bringing in materials for manufacturing spirits, of all stills, &c. under penalties.

* By Clause 6, Sec. ii. Reg. VII. 1824, the Governor-General in Council is empowered to suspend the operation of Secs. iv. v. vi. vii. viii. x. xi. xii. xiii. and xiv., for such period as may from time to time appear proper, and to prescribe such other rules as may be judged expedient.

each offence forfeit *sicca* rupees five hundred, together with all stills, coppers, tuns, butts, coolers, casks, and other vessels, which he shall use without being so entered and marked, and the liquors contained therein.

The Calcutta magistrates, and the officers appointed by them, to have free access to such distilleries, &c.

VI.* The justices of the peace for the time being, acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta, and the surveyor and the subordinate officers, by the said justices appointed as hereinafter mentioned, shall be at all times, by day or by night, permitted to have free ingress into all and every distillery and distilleries, and into the godowns and other places appertaining thereto; and to make such experiments as may be necessary for estimating the amount of the duties, and to inspect and measure all stills and vessels used in manufacturing the spirits, and likewise to take gauges and to prove all spirits so manufactured; and all and every person and persons who shall hinder or obstruct him, them, or any of them, therein, shall each and every of them forfeit the sum of *sicca* rupees one thousand for every such offence.

Penalties for obstructing the magistrates or their officers in the execution of that duty.

Penalties for using stills of less than certain dimensions.

VII.* Every wash-still shall contain at least two hundred gallons, and every still for distilling low wines shall contain at least one hundred gallons; and all and every person or persons who shall act contrary to this provision, and use or work any still of less dimensions than herein mentioned, shall forfeit *sicca* rupees one thousand for every such offence.

Surveyor and deputy surveyor to take the following

VIII.* The surveyor and deputy surveyor shall, previously to entering on the duties of his office, respectively take the following oath before one of the aforesaid justices of the peace: See Act XXI. 1837.

Oath.

"I, A. B., appointed surveyor (or deputy surveyor) of the European distilleries, do hereby swear, that I will, without fear or affection, render true and faithful accounts of all surveys, gauges, and calculations of duties made by me for levying the duties on the produce of the said distilleries; and that I will not be concerned on my own account, either directly or indirectly, in the manufacture or sale of spirits, made at any distillery of that description, and that I will not take any fee or reward from any person, except such salary or commission as may be allowed me: So help me God."

Rate of duty to be levied on all spirits so manufactured or already in store, of which latter the proprietors are to render true accounts.

IX. The rate of duty on spirits, which shall and may be manufactured at the distilleries worked according to the European process, after one month subsequent to the passing of this Regulation, shall be levied on the produce of each still, at the rate of six annas per gallon London proof, to be augmented or reduced in proportion to the strength of the liquor. In like manner, a duty of six annas per gallon shall be levied on all spirits already manufactured, or to be manufactured before the expiration of one month subsequent to the passing of this Regulation, and in store, wheresoever the same may be deposited; which duty on spirits already manufactured is to be, and shall be paid and discharged by instalments, at such periods as any three or more of the said justices of the peace acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta, on a consideration of the circumstances of the case, may direct. The proprietor or proprietors are accordingly required to render a true and faith-

* See note at Section iv.

ful account of such spirits already manufactured and in store, wheresoever the same may be deposited, to the said justices of the peace, or to such person or persons as shall be appointed for that purpose by three or more of the said justices of the peace acting in and for the Twenty-four Pergunnahs for the time being, under their respective hands and seals, upon pain of forfeiting two *sicca* rupees for each and every gallon of the said spirits which he or they shall not render such account of.

How such duty is to be levied.

X.* The duty and duties payable under Section IX. of this Regulation on spirits to be manufactured after one month subsequent to the passing of this Regulation, shall be discharged monthly, or oftener, should the justices of the peace acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta, or any three or more of them, think proper so to direct, and paid to them, or to such person or persons as shall be appointed for that purpose, under their respective hands and seals; and all stills, coppers, and other utensils used in each and every distillery, shall be considered to be mortgaged as security for, and liable to all the duties payable by the distiller or distillers, and in arrear and owing from time to time from or by such distiller or distillers; and also to all penalties, fines, and forfeitures, imposed by this Regulation, and be liable to be sold for the recovery of such arrears of tax or duties which may be due from the said distiller or distillers, and for the recovery of such fines, penalties, and forfeitures.

How the duty is to be adjusted, and what notice distillers are to give previously to bringing in materials, and how long such notice is to be considered in force.

XI.* In order to adjust the duty payable on the spirits which may be manufactured after one month subsequent to the passing of this Regulation, every distiller, five days before he begins to bring in materials for making wash, shall, upon pain of forfeiting the sum of *sicca* rupees one thousand, give notice to the justices of the peace acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta, or to one or more of them, or to such person or persons as any three or more of the said justices may for that purpose appoint, under their respective hands and seals, of the day on which he intends to commence distilling, and such notice shall be considered to be in force for a period not less than two months. Every wash-still, after the working shall have commenced, shall be presumed to be kept regularly in work for two months from the day appointed by the said notice for commencing distilling; and no person or persons who shall have begun to work any wash-still shall withdraw the entry thereof until the expiration of the said two months, unless he or they shall make it appear that some accident has happened sufficient to justify his or their so doing, in the opinion of the said justices of the peace acting in and for the Twenty-four Pergunnahs and districts adjacent to Calcutta.

What notice distillers are to give to the justices, &c. previously to discontinuing the working of their stills.

XII.* Every distiller, when he may be inclined, after the expiration of the above period, to discontinue working his stills, shall, upon pain of forfeiting *sicca* rupees one thousand for not doing so, give notice to the justices of the peace acting in and for the Twenty-four Pergunnahs, or to one or more of them, or to such person as they may direct, four days previous to the distilling being discontinued. At the expiration of that period the still shall be sealed up by the surveyor or deputy surveyor, or

Stills to be sealed up and seals not to be removed without due notice, under penalty.

* See note at Section iv.

by any of the officers or persons by the said justices appointed as hereinafter mentioned; and the seal shall on no account be destroyed or broken or removed, except in presence of the surveyor or his deputy, or of such person as shall be by any one or more of the said justices for that purpose authorized, on due notice given by the proprietor or proprietors of the time when he or they intend again to work the still or stills, in the manner directed in the preceding section, upon pain of forfeiting the sum of *sicca* rupees one thousand.

What accounts officers appointed by the justices of the peace are to keep, and penalty for obstructing them in taking such accounts.

XIII.* An officer appointed as hereinafter mentioned by the justices of the peace acting in and for the Twenty-four Pergunnahs, or by three or more of them, shall take and keep a regular account of all spirits conveyed from each and every distillery to the godowns, warehouses, and other places where such spirits are usually kept, exhibiting the quantity and strength of such spirits, and he shall transmit a regular account thereof weekly to the said justices; and all and every person and persons who shall hinder or obstruct the said officer in taking or in attempting to take the said account, shall forfeit the sum of one thousand *sicca* rupees for every such offence.

No spirits to be removed from such distilleries or godowns, except to the usual places of deposit, without a pass, under penalty of forfeiture.

See Sec. iii. Reg. VII. 1824.

XIV.* No spirits shall be conveyed from the godown, warehouse, or other place appropriated for keeping the produce of the distillery or distilleries, or from the said distillery or distilleries, unless to such godown, warehouse, or place appropriated for keeping the produce of such distillery or distilleries, and entered as aforesaid, without a pass from and under the hand and seal of one or more of the said justices, on pain of the spirits so taken away being forfeited, together with the casks, boats, horses, and other cattle employed in the transportation of it; which rule is to be considered applicable, and shall be applicable to the spirits which may have been already manufactured and may be in store on the passing of this Regulation; and the said spirits, so forfeited, may be seized by any officer appointed as hereinafter mentioned.

Penalties for opposition to, or infringing these rules.

XV. Any person opposing the surveyor or other officer in the execution of the duty committed to such officer under this Regulation, or otherwise infringing any of the rules contained in this Regulation, shall, in addition to all other forfeitures, on proof thereof made to the satisfaction of two or more of the said justices of the peace acting in and for the Twenty-four Pergunnahs, forfeit his license for working any distillery or distilleries.

Persons exporting spirits so made, entitled to drawback of half the duty, and how such drawback is to be adjusted in account.

See Schedule, Act XIV. 1836.

XVI.† Persons exporting spirits made at any of the licensed distilleries for foreign trade, shall be entitled to a drawback of a moiety of the duty paid by them at the place of manufacture, that is to say, three annas per gallon, on producing a certificate from the commander of the vessel that the spirits have been actually shipped for that purpose. The custom-master is accordingly to keep a separate account of all sums paid under this rule, and to debit the said justices for the amount, transmitting to the justices a quarterly account of the disbursements so made.

* See note at Section iv.

† By Sec. iii. Reg. VII. 1824, the rules in Secs. xvi. to xxi. are declared to extend to all spirits manufactured at distilleries constructed and worked as in England.

XVII.* An officer, appointed as hereinafter mentioned, shall attend at the custom-house on the part of the said justices, to gauge and prove the spirits which may be entered at the custom-house for exportation; and if the strength of such spirits shall be above or under London proof, the rate of drawback shall be augmented or reduced in proportion to the quality of the liquor. Such drawback is to be paid in conformity to a certificate to be furnished by the officer employed in the execution of the above duty, countersigned by one of the said justices of the peace.

How the rate of drawback on spirits so exported is to be adjusted.

XVIII.* No spirits shall be deemed to be intended for exportation, unless the quantity shall be one thousand gallons or upwards.

Not less than one thousand gallons to be deemed intended for exportation.

XIX.* Spirits intended for exportation shall not be shipped, nor shall any drawback be paid on account of such spirits, until the vessel shall have taken on board her pilot; nor shall any spirits be shipped from any other place except the custom-house. Nothing contained in this Regulation shall be construed to preclude the custom-master from levying the commission on the exportation of spirits, to which he and his assistant are or may be entitled by any Regulation for the collection of Government customs.

When and where spirits for exportation are to be shipped.

Custom-master to levy the usual commission.

XX.* Any spirits which shall be shipped for exportation, and shall afterwards be relanded without a special license, under the hand and seal of one or more of the said justices of the peace, shall be forfeited, together with the casks and vessels in which such spirits shall be contained, and the carts, boats, horses, bullocks, and other cattle employed in transporting the same.

Penalties for relanding spirits shipped for exportation without license.

XXI.* Whenever any spirits or other articles or things shall be forfeited, under any of the rules or provisions of this Regulation, the produce thereof, when sold as hereinafter mentioned, shall, after deducting the expenses attending the same, and the drawback (in cases where a drawback has been paid, which drawback shall be repaid to the custom-master on account of Government), be divided as follows:

How the produce of forfeitures is to be divided and appropriated.

To the informer	Two-fifths.
To the officer making the seizure	One-fifth.
To the surveyor	One-fifth.
To his deputy	One-fifth.

XXII. to XXV. [Licenses for sale.]—*Rescinded by Section II. Regulation X.* 1813.

XXVI. [Retail sale of spirits in Calcutta.]—*Rescinded by Section I. Act XI.* 1849.

XXVII. [Justices of the peace to receive a commission on duties levied.]—*Rescinded by Section X. Regulation X.* 1808.

XXVIII. The justices of the peace for the time being acting in and for the Twenty-four Pergunnahs and the districts adjacent to Calcutta, or any

The Calcutta magistrates authorized to appoint a surveyor and other officers.

* See note to Section xvi.

three or more of them, are hereby authorized to constitute and appoint a surveyor, and a deputy surveyor, and proper gaugers and other officers, under their hands and seals, for the purpose of carrying the several rules and provisions made in and by this Regulation into full force and effect.

Mode of proceeding in cases of suspicion that stills, &c. are fraudulently concealed, and penalty for opposing the authorized search for the same.

XXIX. If any officer appointed as hereinbefore mentioned have cause to suspect that any spirits manufactured at any distillery or distilleries constructed and worked according to the European manner, or any still or stills, copper or coppers, tun or tuns, butt or butts, cooler or coolers, cask or casks, or other vessel or vessels, implement or implements, used or to be used in such distillery or distilleries as aforesaid, worked or to be worked according to the European manner, is or are fraudulently concealed in any place or places, that then, upon *oath* made by such officer before one or more of the said justices of the peace for the time being acting in and for the Twenty-four Pergunnahs, or acting in and for the zillah wherein such stills, coppers, tuns, butts, coolers, casks, or vessels, or any of them, are so suspected to be concealed, setting forth the grounds of his suspicion, it shall be lawful for such justice or justices, if he or they judge it reasonable, by special warrant under his or their hand and seal, to authorize such officer, by day or by night, to enter into such place or places, and to seize and carry away all and every such spirits, stills, coppers, tuns, butts, coolers, casks, vessels, or other implements so fraudulently concealed; and if any person or persons hinder or obstruct the said officer therein, he and they shall each and every of them, for every such offence, forfeit the sum of one thousand *sicca* rupees.

How officers invested with the authority of the justices of the peace, or zillah magistrates, are to proceed in the condemnation and sale of spirits, stills, &c. seized as forfeited.

XXX. Whenever any spirits, stills, vessels, or other of the materials or things hereinbefore mentioned, shall be seized as forfeited by any person authorized as aforesaid, all such seizures shall, in a summary way, be heard and determined by one or more of the justices of the peace, or magistrates for the time being, acting in and for the zillah in which the same shall be seized as forfeited; which justices of the peace or magistrates, respectively, shall cause the persons in whose custody such spirits, stills, vessels, or other materials or things were found, to be summoned to appear before them, and upon their appearance or default, to examine into the cause of the seizure thereof, and give judgment; and upon condemnation thereof, to issue out their warrants for sale thereof; and such judgments shall be final.

In case of no person appearing within twenty days to claim spirits, &c. so seized, public notice to be given when the matter of the seizure will be heard before the justices of the peace or zillah magistrates, who, in default of the appearance of claimants, shall proceed to condemnation notwithstanding.

XXXI. Whenever any such spirits, stills, vessels, or other materials or things hereinbefore mentioned, shall be seized as forfeited, and no person within twenty days after shall appear to the person or persons who made such seizure to claim the same, then the said person or persons who seized the same may and shall, after the expiration of the said twenty days, cause notice to be given in the Calcutta Gazette, or at the cutcherry of the magistrate of the zillah in which the same shall be seized as forfeited, signifying the place where, and the day and time of the day that the said justices of the peace or magistrates respectively in the last section mentioned, will proceed to hear the matter of such seizure and to the condemnation thereof. In which case the said justices of the peace or magistrates, respectively, are to proceed to examine into the cause of such seizure, and to give judgment for the condemnation of such of the said spirits, stills,

vessels, or other materials or things, as upon such examination shall appear to them to be forfeited, and upon condemnation thereof to issue their respective warrant or warrants, under their hands and seals, for the sale thereof; and the said judgment shall be final, and as if the owners or persons to whom the same belonged, or in whose custody the same was or were, had been summoned to attend the said justices or magistrates respectively.

Forfeiture for neglect of paying the duty at the prescribed times, and how such forfeitures are to be levied.

XXXII. Every person who shall neglect to pay the duties in and by this Regulation set and imposed, at the respective time and times appointed and to be appointed, as hereinbefore mentioned, shall forfeit for each and every *sicca* rupee of the said duty or duties the sum of one *sicca* rupee and one anna. The said forfeitures to be levied upon their goods and chattels, or otherwise recovered, as hereafter in this Regulation directed.

How all pecuniary fines, penalties, &c. are to be heard, adjusted, determined, and levied.

XXXIII. All pecuniary fines, penalties, and forfeitures created or imposed by this Regulation, shall be heard, adjudged, and determined by one or more of the justices of the peace or magistrates for the time being, acting in and for the zillah in which such fines, penalties, or forfeitures shall be respectively made, incurred, or committed, whose judgment therein shall be final; and the said justices of the peace and magistrates, respectively, are hereby authorized and required, upon any complaint or information exhibited and brought before them of any such forfeiture, fines, or penalties made, incurred, or committed, contrary to this Regulation, to summon the party or parties accused, and upon his or their appearance or contempt to proceed to the examination of the matter of fact, and upon due proof made thereof, either by the voluntary confession of the party or parties, or by the *oath* of one or more credible witnesses (which *oath* they, or any one or more of them, have hereby power to administer), to give judgment or sentence accordingly, as in and by this Regulation is directed, and to award and issue out warrants, under their respective hands and seals, for the levying of such forfeitures, penalties, or fines by this Regulation imposed, together with the costs and charges upon the goods and chattels of the offender and offenders, and to cause sale to be made thereof if they shall not be redeemed within fourteen days, rendering to the party or parties whose goods and chattels they were the overplus, if any there be, after deducting thereout the said penalties, fines, or forfeitures, and the costs and charges. Fifteen per cent. of the penalties and fines or forfeitures so recovered, to be applied to him or them who shall discover, inform, or sue for the same, as in this section and rule above mentioned, and the remainder thereof to the United Company of Merchants of England trading to the East Indies.

Reg. III. 1802.

A.D. 1802. REGULATION III.

A REGULATION *for defining the Security to be required from Defendants in Civil Causes; and for amending Part of the existing Rules concerning the Trial of Civil Suits preferred by Paupers:* PASSED *by the Governor-General in Council, on the 22nd April,* 1802.

I. THAT persons unable to attend the courts of justice in person, or to give the security required by Regulation VII. 1793, for the payment of the fees of a pleader, or to pay the institution fee upon original suits and appeals, established by Regulation VI. 1797, might not be precluded by such inability from suing for the recovery of their rights in the Civil Courts of Judicature, or from obtaining the assistance of the pleaders attached to these courts in the prosecution of their claims, provisions have been made by Regulation XLVI. 1793 (extended to Benares by Regulation XXIII. 1795), and by Section IX. Regulation VI. 1797, whereby all persons making oath of their inability to pay the prescribed institution fee, and to give the security required for the fees of a pleader (if they are desirous of entertaining a pleader), and producing two credible witnesses to verify the same, with sureties for their personal appearance, are admitted to sue as paupers in the Zillah and City Courts; and also to prosecute appeals from the decisions of these courts in the Provincial Courts of Appeal and Sudder Dewanny Adawlut, without any expense whatever, unless they shall afterwards be found to possess property sufficient to make good the amount of the prescribed fees; at the same time, the parties sued by such paupers, in addition to the charge usually incurred in procuring the security required from the defendants by Section V. Regulation IV. 1793, and Section III. Regulation XI. 1797, are liable to a considerable charge for the fees of pleaders necessarily employed by them to defend the original suit or appeals, for which they can seldom obtain any indemnification from the pauper plaintiff and appellant, although the claim of the latter should be dismissed in every court. Under these circumstances, the provisions made for facilitating the attainment of justice to paupers have been perverted by them to the means of injustice and persecution by groundless and exaggerated claims, which are prosecuted, as far as the Regulations will allow, with a view to harass the defendant, or to compel his admission of what may not be justly due from him; and the rule contained in Regulation XLVI. 1793, for preventing such groundless and vexatious suits, by subjecting the party preferring them to confinement for a period not exceeding three months, not having been found sufficient for this purpose, the Honourable the Vice-President in Council, to provide more effectually against so flagrant an abuse, as well as to relieve the parties who may be affected thereby, has enacted the following additional rules, to be in force as soon as promulgated throughout the provinces of Bengal, Behar, Benares, and that part of Orissa which is subject to the dominion of the Company.

II. In all cases of suits preferred in the Zillah or City Courts, whether by paupers or by others, the judge before whom the suit may be instituted is authorized to fix the extent of the security to be required for the appearance of the defendant, in conformity to Section V. Regulation IV. 1793 (extended to Benares by Regulation VIII. 1795), and for which a form of bond is prescribed in Section III. Regulation XI. 1797, viz. the judge shall exercise his discretion with respect to the responsibility of the surety or sureties to be found by the defendant for his personal attendance when required, as specified in the above Regulations; and in the first instance, whatever may be the claim of the plaintiff, shall demand from the defendant such security only as may appear necessary to secure his appearance during the trial of the suit. Provided, that if at any time in the course of the trial the security so taken from the defendant shall appear to the judge insufficient, he is authorized and required to take such further security as he may think necessary to secure the appearance of the defendant; and if judgment be given against the defendant in the Zillah or City Court, the judge shall immediately proceed to execute such judgment in conformity to the Regulations; or if the case be appealable, and an appeal be lodged in the mode prescribed by the Regulations, shall immediately take the security therein directed for staying the execution of decrees in cases of appeal. In like manner, during the trial of an appeal from the decree of a Zillah or City Court in favour of the original defendant, if the *Provincial Court* before whom such appeal may be depending shall see ground to believe that the personal security taken from the respondent is insufficient, it is authorized and required to take from him such further security as it may judge necessary; and in the event of its passing judgment against the respondent, shall immediately proceed as above directed with respect to judgments against defendants in the Zillah or City Courts. In all cases of appeal to the Sudder Dewanny Adawlut, that court is also authorized to take any additional security it may judge necessary, as already provided with respect to security for staying the execution of decrees, by Section III. Regulation V. 1798.

Modified by Sec. ii. Reg. II. 1806

See Sec. xv. Reg. XXVI. 1814.

The zillah and city judges authorized to exercise their discretion with respect to security for the appearance of defendants in the first instance, and

may require further security, if in the course of the trial the security so taken shall appear insufficient.

In cases of appeal, the *Provincial Court* are likewise authorized to require additional security when they may deem it necessary.

The Sudder Dewanny Adawlut vested with like power in similar cases.

III. [Fees to pleaders in pauper cases.]—*Rescinded by Section II. Regulation XXVII. and Section II. Regulation XXVIII.* 1814.

IV. [Powers granted by the two preceding sections vested in the registers.]—*Superseded by the abolition of the office of register.*

V. [Return of institution fees in appeals from decisions in pauper suits.]—*Rescinded by Section II. Regulation XXVII. and Section II. Regulation XXVIII.* 1814.

VI. [Imprisonment of litigious paupers.]—*Rescinded by Section II. Regulation XXVIII.* 1814.

Reg. IV. 1802.

A.D. 1802. REGULATION IV.

A REGULATION *to constitute an occasional Second Court of Appeal for the Division of Dacca:* PASSED *by the Governor-General in Council, on the 22nd April,* 1802.

[Superseded by the abolition of Provincial Courts of Appeal and the provisions of Regulation II. 1833.]

Reg. V. 1802.

A.D. 1802. REGULATION V.

A REGULATION *for making certain Alterations in the Rates of the Government Customs, and of the Town Duties in the Provinces of Bengal, Behar, Orissa, and Benares; and for the better Collection of the said Customs and Duties:* PASSED *by the Governor-General in Council, on the 8th of July,* 1802.

[Rescinded by Section II. Régulation IX. 1810.]

Reg. VI. 1802.

A.D. 1802. REGULATION VI.

A REGULATION *for preventing the Sacrifice of Children at Saugor and other Places:* PASSED *by the Governor-General in Council, on the 20th August,* 1802.

I. IT has been represented to the Governor-General in Council, that a criminal and inhuman practice of sacrificing children, by exposing them to be drowned, or to be devoured by sharks, prevails at the island of Saugor, and at Bansbaryah, Chaughdah, and other places on the Ganges. At Saugor, especially, such sacrifices have been made at fixed periods, namely, the day of full-moon in November and in January, at which time also grown persons have devoted themselves to a similar death. Children thrown into the sea at Saugor have not been generally rescued, as is stated to be the custom at other places; but the sacrifice has, on the contrary, been completely effected, with circumstances of peculiar atrocity in some instances. This practice, which is represented to arise from superstitious vows, is not sanctioned by the Hindoo law, nor countenanced by the religious orders or by the people at large; nor was it at any time authorized by the Hindoo or Mahomedan governments of India. The persons concerned in the perpetration of such crimes are therefore clearly liable to punishment, and the

plea of custom would be inadmissible in excuse of the offence. But, for the more effectual prevention of so inhuman a practice, the Governor-General in Council has enacted the following Regulation, to be in force from the promulgation of it in the provinces of Bengal, Behar, Orissa, and Benares.

The offence of destroying persons not arrived at maturity, by throwing them into water, declared murder and punishable with death. Trials of principals and accomplices in the offence to be referred to the Nizamut Adawlut. That court how to pass sentence. *To report to Government prisoners esteemed deserving of mercy.*

II. If any person or persons shall wilfully, and with the intention of taking away life, throw or cause to be thrown, into the sea or into the river Ganges, or into any other river or water, any infant or person not arrived at the age of maturity, with or without his or her consent, in consequence whereof such person, so thrown into water, shall be drowned, or shall be destroyed by sharks or by alligators, or shall otherwise perish, the person or persons so offending shall be held guilty of wilful murder, and on conviction shall be liable to the punishment of death; and all persons aiding or abetting the commission of such act shall be deemed accomplices in the murder, and shall be subject to punishment accordingly. The trials of prisoners convicted as principals or accomplices of the crimes specified in this section shall be referred to the Court of Nizamut Adawlut, which is to pass sentence thereupon according to Section LXXV. Regulation IX. 1793, whatever may be the futwah of the law officers of that court [*or report to the Governor-General in Council the case of any prisoner who may appear to that court to be a proper object of mercy, in conformity with Section LXXIX. Regulation IX.* 1793.]

Rescinded by Sec. ii. Reg. XIV. 1810.

In cases where the persons thrown into the water shall escape death, the offence deemed a high misdemeanor, and punishable by temporary imprisonment to be adjudged by *Courts of Circuit.*

III. If a child, or any person not arrived at maturity, be thrown into water, as stated in the preceding section, and be rescued from destruction, or by any means escape from it, the persons who shall have been active in exposing him or her to danger of life, and all aiders and abettors of such act, shall be held guilty of a high misdemeanor, and on conviction shall be liable to such punishment as the *Courts of Circuit*, under the futwah of their law officers, may judge adequate to the nature and circumstances of the case.

See Cl. 3, Sec. ii. Reg. XII. 1829.

Magistrates to be vigilant against the practice and to proclaim the provisions of this Regulation.

IV. The magistrates of districts wherein the sacrificing of children may have been hitherto practised are required to be vigilant to prevent the continuance of the practice, and shall cause the provisions of this Regulation to be from time to time proclaimed at the places, and in the season, where and when such sacrifices have hitherto been effected.

A.D. 1802. REGULATION VII.

Reg. VII.

A REGULATION *for the Exemption of certain Articles imported into Bengal by Sea from the Payment of any Duties or Customs on their Transportation to Places in the Interior of the Country:* PASSED *by the Governor-General in Council, on the* 18*th November*, 1802.

[Rescinded by Section II. Regulation IX. 1810.]

A.D. 1803.

NOTE ON THE OUDE CODE.

The Regulations enacted in one body in 1803, for the guidance of the several departments of civil administration in the provinces ceded by his Excellency the Nawaub Vizier, were prepared on a different principle from those enacted for Benares in 1795.

A considerable proportion of the Regulations for Benares simply declared that the Regulation numbered as specified in the year 1793, was extended to that province: the modifications introduced in 1794 being few. The rules for the administration of the revenues of the province, however, were in great part new, having respect to the tenures and usages prevailing therein, which differed from those of the Bengal or Lower Provinces.

But between 1795 and 1803, many and important changes had been effected in the Regulations of 1793 by successive enactments, and these changes were incorporated into the several Regulations on the various topics, as prepared for promulgation in Oude. With regard to the land-revenue laws, they were framed rather on those of Benares than on those for the Lower Provinces, the nature of the local tenures and usages requiring this adaptation.

Containing, as the Oude Regulations did, a vast deal of what had been already printed, it was desirable, in order to lessen the bulk of this edition, to refer to, rather than reprint, what was already in type; the reference to the original rules would include all the notes, which equally apply to the extension as to the original. This mode of dealing with the Regulations seemed to possess the further advantage of bringing more prominently to view those points on which an actual difference of rule was established for the ceded provinces. It is hoped that the course pursued will not be found difficult to follow, and that the comparative table at the head of each of the principal Regulations will sufficiently facilitate the use of the Oude code in its present shape.

A.D. 1803. REGULATION I.

Reg. I. 1803.

A REGULATION *for forming into a regular Code all Regulations which may be enacted for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th March,* 1803.

[*This Regulation is the same as Regulation XLI.* 1793, *substituting* "the Provinces ceded by his Excellency the Nawaub Vizier to the Honourable the East-India Company," *for* "the British territories in Bengal." The enactment itself is superseded—see note to Regulation XLI. 1793.]

[Respecting the language into which the Regulations were to be translated and promulgated, see Section VI. Regulation VII. 1813.]

A.D. 1803. REGULATION II.

Reg. II. 1803.

COMPARATIVE TABLE.

II.*	———	Sec. II. Regulation III. 1793.
III.*	———	IV. "
IV.	———	VII. "
V.	———	VIII. "
VI.	———	IX. "
VII.	———	X. "
VIII.*		
IX.	———	XII. "
X.*	———	XVI. "
XI.*	———	XVIII. "
XII.*	———	XVII. "
XIII.	———	III. "
XIV.	———	V. and VI. "
XV.	———	XI. "
XVI.	———	XX. "
XVII.	———	XXI. "
XVIII.*	———	XIV. "
XIX.	———	XIII. "
XX.	———	XIX. "
XXI. }	Rescinded.	
XXII. }		
XXIII.*		II. III. and IV. Reg. IV. 1796.

All the sections of Regulation III. 1793, are re-enacted in Regulation II. 1803, excepting Section XV.

A REGULATION *for establishing and defining the Jurisdiction of the Courts of Adawlut, or Courts of Judicature, for the Trial of Civil Suits in the first Instance, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th March,* 1803.

I. WHEREAS it is necessary for the due administration of justice in the provinces ceded by the Nawaub Vizier to the Honourable the English-

East-India Company, that courts for the trial of causes in the first instance should be established in the several zillahs hereinafter named, and that rules should be prescribed for the guidance of the said courts, the following rules are accordingly enacted.

Zillahs in which courts shall be established. [*III.* 1793, *iii.*]

II. Courts of Adawlut shall be established in the several zillahs hereafter specified, and shall be denominated after the zillah in which they are respectively established, as follows: See Act XXI. 1836.

Moradabad,	Cawnpore,
Bareilly,	Allahabad,
Etawah,	Goruckpore.
Furruckabad,	

Of the jurisdiction of the Zillah Courts. [*III.* 1793, *iv.*]

III. The jurisdiction of the Zillah Courts shall extend to all civil suits arising within the districts and places which are, or shall be, included in the zillahs in which they are respectively established.

IV. [*Same as Section VII. Regulation III.* 1793.]

V. [*Same as Section VIII. Regulation III.* 1793.]

VI. [*Same as Section IX. Regulation III.* 1793—*superseded by Section II. Act XI.* 1836.]

VII. [*Same as Section X. Regulation III.* 1793, *substituting* "manufacture and sale of salt" *for* "manufacture of salt," "customs and other duties" *for* "customs," *and the following for the last line,* "in opposition to any established Regulation."]

Jurisdiction of the Zillah Court of Furruckabad not to extend to the person of the nawaub.

Rule with regard to his dependants.

VIII. The following article, being the sixth article of a treaty concluded with the Nawaub of Furruckabad on the 4th of June, 1802, is hereby enacted into a rule, for the guidance of the Zillah Court of Furruckabad. See Act XII. 1836.

"Article Sixth. The authority of the Court of Adawlut shall not extend to the person of the Nawaub; but as his connexions and dependants are undefined, and as it is the object of the British Government to introduce a fair and impartial administration of justice throughout the province of Furruckabad, it is agreed, that whatever complaint may be preferred against any of the Nawaub's dependants, shall in the first instance be referred to the Nawaub; and in the event of the complainant not receiving speedy justice, or being dissatisfied with the Nawaub's decision, the complaint shall be decided in the Adawlut."

IX. [*Same as Section XII. Regulation III.* 1793.]

Judges not to entertain suits which may have been decided by any former judge or officer having competent jurisdiction. [*III.* 1793. *xvi.*]

X. The Zillah Courts are prohibited from entertaining any cause which, from the production of a former decree or the records of the court or other instrument, shall appear to have been heard and determined by any former judge, superintendent of a court, collector, or other public officer, having competent jurisdiction or authority. If any doubt should arise respecting

Doubts respecting

the competency of the former jurisdiction or authority, the judges are to report the circumstances to the Sudder Dewanny Adawlut, and wait the instructions of that court.

the competency of the former jurisdiction to be submitted to the Sudder Dewanny Adawlut.

XI. The Zillah Courts are prohibited from interfering, in any respect, in any cause or matter of a criminal nature, declared cognizable by the magistrates of the several zillahs, or the *Courts of Circuit*, or the Nizamut Adawlut; excepting for contempt and perjuries committed in open court, as prescribed in Sections VIII. and XXII. Regulation III. 1803.

Courts prohibited taking cognizance of any matters of a criminal nature.
[*III.* 1793, *xvii.*]
Exceptions to the rule.

XII. The Zillah Courts shall not receive or entertain any suit, under any pretence whatever, relating to any land, house, tenement, or hereditament, nor to any dispute regarding the boundaries of lands, houses, tenements, or hereditaments, situated within the town of Calcutta. [*Nor shall the Zillah Courts cause any process to be served on the person of any individual actually resident, or being within the limits of the town of Calcutta; nor shall the said courts entertain any suit whatever against any such individual, unless such suit shall relate to real property situated without the limits of Calcutta, or to the public revenue.*]

Repealed by Act XXII. 1843.

Of what suits the Zillah Courts are prohibited taking cognizance as coming within the jurisdiction of the Supreme Court of Judicature.
[*III.* 1793, *xviii.*]

XIII. [*Same as Section III. Regulation III.* 1793.]

XIV. [*First part same as Section V. Regulation III.* 1793, *substituting* "Section XXIII. Regulation V. 1803," *for the corresponding* "Section XXIII. Regulation VI. 1793:" *after which the following, taken from Section VI.*]

The Zillah Courts shall use a circular seal, one inch and three-quarters in diameter. The seals shall bear an inscription to the following effect, in the Persian character and language, and in the Hindoostanee language and Nageree character. "The seal of the Court of Adawlut of the Zillah of ————." The seal of each court is to remain in the custody of the judge.

Seals of the courts.

Seal to remain in the custody of the judge.

XV. [*Same as Section XI. Regulation III.* 1793, *substituting* "Regulation I. 1803," *for the corresponding* "Regulation XLI. 1793," *and omitting the last sentence* "All special rules, &c."]

XVI. [*Same as the unrepealed part of Section XX. Regulation III.* 1793.]

XVII. [*Same as Section XXI. Regulation III.* 1793.]

See Reg II. 1803.

XVIII. *First.* The Courts of Adawlut are prohibited from hearing, trying, or determining the merits of any civil suit whatever, if the cause of action shall have arisen at a period being twelve years antecedent to the date on which the petition for the institution of such suit shall be presented to the court. This rule is to remain in force until the period of twelve years shall have elapsed from the date of the cession of the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, viz. the 10th day of November, 1801.

Suits not cognizable where the cause of action has arisen twelve years prior to the institution of the suit.
[*III.* 1793, *xxv.*]

Second. It is to be understood, that the powers vested in the Zillah Courts by the foregoing clause, to receive and try suits in which the cause

Private suits only cognizable, and such as were triable in the vizier's government.

of action shall have originated prior to the 10th day of November, 1801, are to be restricted to the trial of suits of a private nature between individuals, of which cognizance would have been taken by the courts, officers, or authorities established for the administration of justice under the Government of the Nawaub Vizier; and that such powers are not to be considered to extend to authorizing the Zillah Courts to take cognizance of any civil suits originating in acts of the Vizier's Government or of his officers, or in engagements contracted by individuals with the officers of the Vizier's Government in their official capacities, and of which, according to the usages of their Government, cognizance would not have been allowed to be taken by the persons intrusted with the exercise of judicial authority. If any Zillah Court shall entertain doubts whether any suit preferred to it is cognizable by it under the restrictions contained in this clause, such court shall state the circumstances of the case to the *Provincial Court of Appeal*, which court shall forward the same, with its opinion thereon, to the Sudder Dewanny Adawlut, and the Sudder Dewanny Adawlut shall submit the case to the Governor-General in Council, and shall abide by such orders as he may pass with regard to the admission or rejection of the suit.

Limitation as to acts of the vizier's government, or official acts of his officers.

Where the right to take cognizance may appear doubtful, reference to be made by the zillah judges, through the medium of the *Provincial Court* and Sudder Dewanny Adawlut, to the Governor-General.

Third. After the period of twelve years shall have elapsed from the date of the cession of the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, the Courts of Adawlut are prohibited from hearing, trying, or determining the merits of any civil suit whatever, if the cause of action shall have arisen at a period being twelve years antecedent to the date on which the petition for the institution of such suit shall be presented to the court; unless the complainant can show, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money, or that he directly referred his claim, within that period, to the matter in dispute, to a court of competent jurisdiction, or person having authority, whether local or otherwise, for the time being, to hear such complaint and to try the demand; and shall assign satisfactory reasons to the court, why he did not proceed in the suit; or shall prove that, either from minority or other good and sufficient cause, he was precluded from obtaining redress: provided, however, that it shall not be competent to the Zillah Courts, under the powers vested in them by this clause, to hear, try, or determine the merits of any civil suit whatever, if the cause of action shall have arisen previous to the 10th day of November, 1801, the date of the cession of the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.

After the period of twelve years from the cession of those provinces, courts not to try the merits of any suits, where the cause of action shall have arisen twelve years before the institution of the suit.

Exceptions to the rule.

XIX. [*Same as Section XIII. Regulation III.* 1793—*but see Section VI. Regulation VIII.* 1805.]

XX. [*Same as Section XIX. Regulation III.* 1793.]

XXI. [Appeal to the Provincial Court.]—*Rescinded by Clause Fourth, Section VI. Regulation VIII.* 1805.

XXII. [Review of judgment.]—*Rescinded by Clause First, Section IV. Regulation XXVI.* 1814.

XXIII. *First.* Any zillah judge *and* magistrate who shall be desirous of quitting his station, on whatever account, shall apply for permission to the Governor-General in Council, and, except in cases of emergent indisposition, shall not leave his station until such permission shall have been obtained. The letter of application is to specify the purpose for which the leave of absence shall be required, the period for which it is desired, *and the name of the register or senior assistant on the spot, to whom the charge of the offices of judge and magistrate will devolve if not otherwise provided for.*

Zillah judges to apply to the Governor-General in Council for permission to quit their stations and to wait the receipt thereof.
[*IV.* 1796, *ii.*]

Second. The Governor-General in Council, on receipt of the above-mentioned applications, will cause reference to be made to the Sudder Dewanny Adawlut and Nizamut Adawlut, to ascertain the state of the public business depending before such judge or magistrate, and whether the leave of absence desired can be conveniently granted, or otherwise. The Governor-General in Council will determine, in every instance wherein he may grant leave of absence to the judge and magistrate to quit his station, *whether to delegate the temporary execution of the duties of judge and magistrate to the register or senior assistant on the spot, or* to appoint any other person by a special commission thereto, or to make other provision for carrying on such part of the business of the station, civil and criminal, as cannot be postponed, according to the urgency and circumstances of the case. The result of this determination will be immediately communicated to the judge *and* magistrate, *and his register and assistant, or any other* person appointed to act for him; and notice of it is to be given at the same time to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, *and the Provincial Courts of Appeal and Circuit,* within whose jurisdiction the Zillah Court of the judge *and* magistrate to whom leave of absence may be granted shall be situated.

Reference to be made to the Court of Sudder Dewanny Adawlut and Nizamut Adawlut.
[*IV.* 1796, *iii.*]

The Governor-General in Council will determine in every instance, whether to delegate the duties of judge *and* magistrate *to the register and senior assistant, or* to appoint any other person thereto.

To whom his determination will be communicated.

Third. The zillah judges and magistrates to whom leave of absence shall be granted shall report their actual departure from their stations, as well as their return thereto, to the Governor-General in Council, the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, *and the Courts of Appeal and Circuit, within whose jurisdiction their respective courts shall be situated.*

To whom zillah judges and magistrates are to report their departure from and return to their stations.
[*IV.* 1796, *iv.*]

Reg. III. 1803.

A.D. 1803. REGULATION III.

COMPARATIVE TABLE.

II.	———	Sec. II. Regulation IV. 1793.
III.	———	III. „
IV.	———	IV. „
V.	———	V. „
VI. } VII. }	———	VI. „
VIII.	———	XIV. „
IX.	———	VII. „
X.	———	VIII. „
XI. 1.	———	IX. „
2.*	———	IV. Regulation LVIII. 1795.
XII.	———	X. Do. IV. 1793.
XIII.	———	XI. „
XIV.	———	XII. „
XV.	———	XIII. „
XVI. 1.*	———	{ XV. „ / IV. Regulation II. 1798.
2.	———	II. Regulation V. 1799.
3.	———	III. „
4.	———	IV. „
5.	———	V. „
6.	———	VI. „
7.	———	VII. „
XVII.	———	XVI. Regulation IV. 1793.
XVIII.	———	XVII. „
XIX.	———	XVIII. „
XX.	———	XIX. „
XXI.	———	XX. „
XXII.	———	XXI. „
XXIII.	———	XXII. „
XXIV.	———	XXIII. „
XXV. 1.	———	XXIV. „
2.	———	III. Regulation IX. 1799.
XXVI.	———	XXV. Regulation IV. 1793.
XXVII.	———	XXVI. „
XXVIII. XXIX.	———	} Cl. 1, Sec. iii. Regulation XI. 1797.

The whole of Regulation IV. 1793, is re-enacted in this Regulation, likewise the whole of Regulation V. 1799, excepting the preamble and last section.

A REGULATION *for receiving, trying, and deciding Suits or Complaints, declared cognizable in the Courts of Adawlut established in the several Zillahs in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. THE following rules are enacted for receiving, trying, and deciding suits or complaints declared cognizable in the Courts of Adawlut established in the several zillahs, in the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.

II. III. [*Same as Sections II. and III. Regulation IV.* 1793, *omitting* "the Bengal" (*language*) *and the words* "and no other language."]

IV. [*Same as Section IV. Regulation IV.* 1793—*superseded.*]

V. [*Same as Section V. Regulation IV.* 1793.]

VI. VII. [*Same as Section VI. Regulation IV.* 1793, *in the parts not superseded or rescinded, excepting as to the language of the depositions, for which the following is substituted.*]

See Act XXIX. 1837.

Depositions to be reduced into writing, in the Persian language and character, or in that of the district; or language in which the parole evidence was given.

The deposition of every witness who may appear in court shall be taken vivâ voce in open court, in the language in which he is most conversant, and shall be reduced into writing in the Persian language, or in the Hindoostanee language and Nageree character. In cases in which the witness shall desire it, his deposition shall be reduced into writing in the language in which his parole evidence shall have been given.

VIII. [*Same as Section XIV. Regulation IV.* 1793.]

IX. [*Same as Section VII. Regulation IV.* 1793, *inserting the words* "in cases not appealable" *after* "the court is then."]

X. [*Same as Section VIII. Regulation IV.* 1793, *substituting* "the Persian language and character and the Hindoostanee language and Nageree character" *for the languages there specified.*]

XI. *First.* [*Same as Section IX. Regulation IV.* 1793, *substituting* "the periodical register of landed property," *for* "the quinquennial register directed to be prepared by Regulation XLVIII. 1793."]

Of what particular decrees copies are to be so transmitted. [*LVIII.* 1795, *in.*]

Second. The decrees regarding malguzarry land, to be transmitted, as above directed, to the collector of the zillah and to the Board of Revenue, are such decrees only as affect the proprietary right in or possession of the land.

XII. [*Same as Section X. Regulation IV.* 1793—*superseded by Act XXIX.* 1841.]

XIII. [*Same as Section XI. Regulation IV.* 1793, *substituting* "the Persian language," *&c. as in Section X.*]

XIV. XV. [*Same as Sections XII. and XIII. Regulation IV.* 1793.]

By what law the suits herein described are to be decided. [*IV.* 1793, *xv. and II.* 1796, *in.*]

Law officers to expound the law.

Cases may be referred for opinion to the law officers of the superior courts.

XVI. *First.* In suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to the Hindoos, shall be considered to be the general rules by which the judges are to form their decisions. The Mahomedan and Hindoo law officers of the courts shall attend to expound the law of their respective persuasions, in cases in which recourse may be required to be had to it. The judge of the Zillah Court may further refer cases, for the opinion of the law officers of the superior courts, through the medium of the judges of those courts; but no

reference is to be made by the judges to any individual not acting in a public and responsible capacity. Yet this shall not prohibit parties in a suit, submitting law opinions, quoting or referring to authorities in support of their claim.

Second. [*Same as Section II. Regulation V.* 1799, *substituting* "Section V. Regulation II. 1803," *for the corresponding* "Section VIII. Regulation III. 1793," *and* "Regulation I. 1803," *for the corresponding* "Regulation XLI. 1793."]

Third to Sixth. [*Same as Sections III. to VI. Regulation V.* 1799.]

Seventh. [*Same as Section VII. Regulation V.* 1799, *substituting* "the Persian language," *&c.* (*as in Section X.*) *for* "the current languages of the country."]

XVII. to XXI. [*Same as Sections XVI. to XX. Regulation IV.* 1793.]

XXII. [*Same as Section XXI. Regulation IV.* 1793, *substituting* "the Persian language," *&c.* (*as in Section X.*)]

XXIII. [*Same as Section XXII. Regulation IV.* 1793, *substituting* "the established Regulations" *for the Regulations there cited, and the following for the latter portion of the section beginning*],

If the forfeiture is commuted for a fine, by what court, and how it is to be levied.

Decree for the forfeiture of estates or farms not to be deemed final, or carried into execution, till confirmed by the Governor-General in Council, and notice of his confirmation be received.

If the decree is declared final, the court to issue a precept to the collector to sequester the lands.

In the event of the Governor-General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to him, upon receiving notice of the fine which he may impose, shall levy the amount of it by the same process as is prescribed for enforcing decrees of the court. In cases wherein a decree for the forfeiture of an estate or farm shall be passed and transmitted to the Governor-General in Council, the decree in question shall not be deemed final until confirmed by the Governor-General in Council, and shall not be carried into execution until notice of his confirmation be received. In the event of the Governor-General in Council ordering the decree to be executed, the court shall issue a precept, under the seal of the court and the signature of the register, requiring the collector of the revenue of the zillah to depute an aumeen with a proper establishment of officers, whose allowances are to be specified in the precept, to sequester the lands and collect the rents and revenues. If the lands of the offender shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an aumeen, the judge shall direct a precept to be issued to the collector of the zillah, to order the nearest tehseeldar, or any other officer, who may be employed under him in the business of the collections, to take charge of the lands. The officer shall perform the duties prescribed to aumeens in such cases, and under the same restrictions and penalties.

XXIV. [*Same as Section XXIII. Regulation IV.* 1793, *omitting the concluding words* "in Regulation XLV. 1793."]

XXV. *First.* [*Same as Section XXIV. Regulation IV.* 1793, *omitting the Regulations there cited and substituting the following for the latter portion of the section beginning*],

By what court and

If a fine shall be imposed upon the offender, the court which shall have

transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine, shall levy the amount of it, by the same process as is prescribed for enforcing decrees of the court. In cases wherein a decree for the forfeiture of the lease of the offender may be passed and transmitted to the Governor-General in Council, the decree in question shall not be deemed final until confirmed by the Governor-General in Council, and shall not be carried into execution until notice of his confirmation be received. If the lease of the offender shall be annulled, and a balance shall be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety shall be held responsible for the payment of it; and the collector of the revenue of the zillah is empowered to proceed against them for the recovery of it agreeably to the rules in that respect established. The offender is permitted to prosecute in the Court of Adawlut of the zillah in which the farm shall be situated, the dependent talookdars, under-farmers, and ryots, in the lands included in the farm, for any arrears of rent or revenue which may be due from them to him, on account of the period during which his lease remained in force.

how such fines are to be levied.

Decree not to be deemed final, or carried into execution, till confirmed by the Governor-General in Council and notice of his confirmation be received.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

Second. [*Same as Section III. Regulation IX.* 1799, *omitting the sentence which is incorporated in Clause First, substituting Sections XXIII. XXIV. and Section XXVI. of this Regulation for the corresponding ones there cited.*]

XXVI. XXVII. [*Same as Sections XXV. and XXVI. Regulation IV.* 1793.]

XXVIII. XXIX. [*Same as Clause First, Section III. Regulation XI.* 1797—*superseded.*]

Reg. IV. 1803.

A.D. 1803. REGULATION IV.

COMPARATIVE TABLE.

II. to VII.	———	Secs. II. to VII. Regulation V. 1793.
VIII.	———	VI. Regulation II. 1798.
IX. X. XI.	———	IX. X. XI. Regulation V. 1793.
XII.	Rescinded.	XII. Regulation V. 1793, with modifications.
XIII.	———	XIII. Regulation V. 1793.
XIV. 1.	———	IV. Regulation V. 1798.
2.*	———	V. "
XV. to XXII.	———	XV. to XXII. Regulation V. 1793.
XXIII.*	———	XXIII. Regulation V. 1793.
XXIV.	———	XXIV. "
XXV.	———	XXV. "
XXVI. to XXIX.	———	XXVI. to XXIX. Reg. V. 1793.
XXX. 1.	———	XXX. Regulation V. 1793.
2.	Rescinded.	*II. Regulation II.* 1798, rescinded.
XXXI. XXXII.	Superseded.	*XXXI. Regulation V.* 1793, rescinded.
XXXIII.	Rescinded.	
XXXIV.	———	XXXII. Regulation V. 1793.
XXXV.	———	II. Regulation XIII. 1796.

The whole of Regulation V. 1793, except the rescinded sections, is re-enacted in this Regulation.

A REGULATION *for establishing a Provincial Court of Appeal, for hearing Appeals from Decisions passed in the several Zillah Courts established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company; and for defining the Powers and Duties of the said Court; and for prescribing Rules for receiving and deciding upon Appeals, and other Causes, of which the Court is declared to have Cognizance:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. IT being essential to the due administration of justice in the province ceded by the Nawaub Vizier to the Honourable the English East-India Company, that an appeal should lie, in certain cases, from the decrees of the Zillah Courts to a higher tribunal, which from the number of its judges and the nature of its constitution may be calculated to afford redress against unjust or erroneous decisions, and which from its situation in the said provinces may admit of an easy and speedy reference to its authority; and it being further necessary for expediting the decision of lawsuits and for promoting the purposes of justice, that a tribunal, so constituted, should possess original jurisdiction in particular cases, and be vested with authority in certain cases for the better regulation of the inferior courts, the following rules have been accordingly enacted.

II. to V. [*Same as the corresponding sections of Regulation V.* 1793, *mutatis mutandis, but superseded by the abolition of Provincial Courts.*]

VI. [*Same as Section VI. Regulation V.* 1793, *omitting the words* "by the Governor-General in Council."]

VII. [*Same as Section VII. Regulation V.* 1793.]

VIII. [*Same as Section VI. Regulation II.* 1798.]

IX. X. XI. [*Same as Sections IX. X. and XI. Regulation V.* 1793.]

XII. [Appeal from Zillah to Provincial Courts.] — *Repealed by Clause First, Section III. Regulation XXVI.* 1814.

XIII. [*Same as Section XIII. Regulation V.* 1793.]

XIV. *First.* [*Same as Section IV. Regulation V.* 1798.]

Second. The principles of the rules contained in the preceding clause, *and in Clause Eighth, Section XII. of this Regulation,* shall be considered to be equally applicable to cases in which the plaintiff in a Zillah Court shall be put in possession of land or other property adjudged to him, during an appeal in consequence of the defendant's failing to give the securities prescribed: and generally, to all cases in which the possession of property shall be transferred by the decree of any Court of justice, from which decree an appeal may be depending in a superior court, whether a *Provincial Court of Appeal* or the Court of Sudder Dewanny Adawlut.

Principles of the preceding clause, *and Cl. 8, Sec. xii.* declared to extend to all similar cases, whether the original plaintiff or defendant, or the appellant or respondent, be left in possession of the property during an appeal to the *Provincial Court* or to the Sudder Dewanny Adawlut. [*V.* 1798, *v.*]

XV. and XVI. [*Same as Sections XV. and XVI. Regulation V.* 1793, *substituting the following for the corresponding passages,* "is to be written or printed in the Persian language and character, and in the Hindoostanee language and Nageree character."]

XVII. to XXI. [*Same as Sections XVII. to XXI. Regulation V.* 1793.]

XXII. [*Same as Section XXII. Regulation V.* 1793, *omitting* "by the Governor-General in Council," *and substituting* "the established Regulations" *for* "Regulation VII. 1793."]

XXIII. [*Same as Sections XXIII. Regulation V.* 1793 (*identical with Section XXII. Regulation IV.* 1793), *substituting* "five thousand *sicca* rupees" *for* "one thousand *sicca* rupees," *and the following for the latter portion of the section, beginning*],

It shall be at the option of the Governor-General in Council, after the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he shall think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor-General in Council, upon receiving notice of the fine which he may impose, shall levy the amount of it by the same process by which the court is directed to enforce its decrees.

If the lands are decreed forfeited, the Governor-General in Council may confirm the decree or commute the forfeiture for a fine

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Second. In cases wherein a decree for the forfeiture of an estate or,

Decree not to be

deemed final or carried into execution till confirmed by the Governor-General in Council.

farm shall be passed and transmitted to the Governor-General in Council, the decree in question shall not be deemed final until confirmed by the Governor-General in Council, and shall not be carried into execution until notice of his confirmation be received.

If the decree is declared final, the court to issue a process to the collector to sequester the lands.

Third. In the event of the Governor-General in Council ordering the decree to be executed, the court shall issue a precept, under the seal of the court and signature of the register, requiring the collector of the revenue of the zillah to depute an aumeen, with a proper establishment of officers (whose allowances shall be specified in the precept), to sequester the lands and to collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an aumeen, it shall direct a precept to be issued to the collector of the zillah, to order the nearest tehseeldar, or other officer employed under him in the business of the collections, to take charge of the lands. The officer shall perform the duties prescribed to aumeens in such cases, and under the same restrictions and penalties.

XXIV. [*Same as Section XXIV. Regulation V. and Section XXIII. Regulation IV.* 1793, *omitting the last words,* "under the prescribed rules," *&c.*]

XXV. [*Same as Section XXV. Regulation V. and Section XXIV. Regulation IV.* 1793, *substituting* "from the expiration of the revenue year" *for* "from the expiration of the Bengal, Fussily or Willaity (according as the farm be in Bengal, Behar, or Orissa,)"—"five thousand *sicca* rupees" *for* "one thousand sicca rupees," *and omitting the last sentence but two, beginning* "But if the Governor-General in Council shall not within four weeks," &c. &c.]

XXVI. [*Same as Section XXVI. Regulation V.* 1793, *and Section XXV. Regulation IV.* 1793.]

XXVII. XXVIII. XXIX. [*Same as Sections XXVII. XXVIII. and XXIX. Regulation V.* 1793.]

XXX. *First.* [*Same as Section XXX. Regulation V.* 1793, *substituting* "five hundred" *for* "one hundred" *and* "five thousand" *for* "one thousand"—*Superseded.*]

Second. [Review of judgment.]—*Rescinded by Clause First, Section IV. Regulation XXVI.* 1814.

XXXI. [Translations in appeals to the Sudder Court.]—*Superseded by the abolition of Provincial Courts—the parallel provision in Section XXXI. Regulation V.* 1793, *was rescinded by Section II. Regulation XIX.* 1797.

XXXII. [Registers of Zillah and Provincial Courts to make translations (taken from Section IV. Regulation XIX. 1797).]—*Superseded by the abolition of the office of register and by the provisions of Section XVII. Regulation II.* 1801.

XXXIII. [Translations.]—*Rescinded by Act VII.* 1842.

XXXIV. [*Same as Section XXXII. Regulation V.* 1793.]

XXXV. [*Same as Section III. Regulation XIII.* 1796, *omitting so much as relates to the Sudder Adawlut.*]

A.D. 1803. REGULATION V.†

Reg. V. 1803.

COMPARATIVE TABLE.

II.	Rescinded.	
III.	Superseded.	Sec. III. Regulation VI. 1793.
IV. 1.	———	IV. Regulation VI. 1793.
2.	———	VII. Regulation II. 1798.
V. 1.	———	V. Regulation VI. 1793.
2.	———	VIII. Regulation II. 1798.
VI. VII.	———	VI. and VII. Regulation VI. 1793.
VIII.	Rescinded.	*VIII. Regulation VI.* 1793, rescinded.
IX.	Extinct.	*IX. Regulation VI.* 1793, *is also extinct.*
X. 1 to 8.	Superseded.	
9 to 13.*	———	III. and VI. Regulation V. 1798.
XI.	———	XI. Regulation VI. 1793.
XII.*	———	III. Regulation XIII. 1796.
XIII. to XXV.	———	XIII. to XXV. Regulation VI. 1793.
XXVI.*	———	XXVI. Regulation VI. 1793.
XXVII. XXVIII.	———	XXVII. XXVIII. Regulation VI. 1793.
XXIX.*	———	*For XXX. Regulation VI.* 1793, rescinded.
XXX.	———	XXXI. Regulation VI. 1793.
XXXI.*		
XXXII.	———	II. III. Regulation XVI. 1797.
XXXIII. to XXXVI.	———	IV. to VII. Regulation XVI. 1797.
XXXVII.	Rescinded.	*III. Regulation II.* 1798, rescinded.
XXXVIII.	———	VII. Regulation II. 1801.

Regulation VI. 1793, consists of thirty-one sections, all represented in this Regulation, with additional sections from other Regulations.

A REGULATION *for empowering the Sudder Dewanny Adawlut to try Appeals from the Decisions of the Provincial Court of Appeal established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company; and for extending the Jurisdiction of the Sudder Dewanny Adawlut over the said Provinces, and all the Civil Courts established therein:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. WHEREAS it has been deemed expedient, with a view to the due administration of justice in civil cases, in the provinces ceded by the

† By Regulation VI. 1831, a Sudder Dewanny Adawlut for the North-Western Provinces is established. The rules which were applied to the Sudder Court at Calcutta by this Regulation must be understood as now applying to the Sudder Court for the North-Western Provinces.

Nawaub Vizier to the East-India Company, that the Sudder Dewanny Adawlut should be empowered to receive and try appeals from the decisions of the Provincial Court of Appeal established in the said provinces; that the judges of the Zillah Courts and of the Provincial Court of Appeal should be amenable to the said Sudder Dewanny Adawlut for the due discharge of their duties; that the said superior tribunal should be vested with the power of receiving charges relating to any conduct of the judges of the Zillah and Provincial Courts repugnant to their oath of office, and of causing the same to be regularly investigated and determined; and that the Sudder Dewanny Adawlut should be empowered to hold original jurisdiction in certain cases; the following rules have been enacted.

II. [Extension of the jurisdiction of the Calcutta Sudder Dewanny Adawlut to the Ceded Provinces.]—*Rescinded by Section II. Regulation VI.* 1831.

III. [Orders to be made in open court.]—*Taken from Section III. Regulation VI.* 1793, *and superseded by Section VII. Regulation VI.* 1831.

IV. *First.* [*Same as Clause First, Section IV. Regulation VI.* 1793.]
Second. [*Same as Section VII. Regulation II.* 1798, *substituting* "Section VIII. Regulation IV. 1803," *for the corresponding* "Section VI. of this Regulation."]

V. *First.* [*Same as Clause First, Section V. Regulation VI.* 1793.]
Second. [*Same as Section VIII. Regulation II.* 1798.]

VI. [*Same as Section VI. Regulation VI.* 1793, *adding at the end* "to be delivered to the person making the representation, or to his vakeel."]

VII. [*Same as Section VII. Regulation VI.* 1793.]

VIII. [Court how to proceed on charges of corruption against judges of the Provincial or Zillah Courts.]—*Rescinded by Section II. Regulation X.* 1806, *and by Section I. Act XXVI.* 1839.

IX. [Court to receive appeals from decisions which have been passed by the Board of Commissioners.]—*Extinct.*

X. *First.* [Appeals from Provincial Courts.]—*Superseded by Sections XXVII. and XXVIII. Regulation V.* 1831.
Second to *Fifth.* [Petition of appeal—Limitation.]—*Superseded by Act IV.* 1850.
Sixth. [Execution of decrees appealed from.]—*Same as Section II. Regulation XIII.* 1796, *and superseded by Section XI. Regulation XIII.* 1808.
Seventh. [Security for costs.]—*Same as Section X. Regulation II.* 1798, *and superseded by Act III.* 1845.

Eighth. [Proceedings on completion of security.]—*Same as the last part of Section X. Regulation VI.* 1793, *and superseded by Act IV.* 1850.

Ninth. Notwithstanding the appellants in causes depending before the Sudder Dewanny Adawlut shall have entered into the securities required of them by the above clauses in this section, that court is further authorized, in cases wherein from delay in the decision the securities originally so given may afterwards appear insufficient, in respect to the period of time the cause has been pending, or is likely to remain still undecided, on the application of the respondent or respondents, in all such cases, to require any additional security which it may deem necessary, to secure the party who shall have obtained a judgment in his favour, from any loss by such judgment not being executed while the appeal shall be depending; and in default of such further security being given within a reasonable period to be fixed for that purpose, the court is empowered to direct the judgment in question to be carried into execution, in like manner as if no securities had originally been given by the appellant: provided that, in such cases, good and sufficient security, as prescribed by the Regulations, be given by the respondent, previous to his being put in possession of the property in litigation. The supplemental security required in this clause as necessary to maintain a depending appeal, is carefully to be distinguished from the securities, originally necessary to warrant the cause being appealed. The supplemental security being only demandable by the Sudder Dewanny Adawlut after a lapse of time, the original securities being requirable by the *Provincial Court* previous to the petition of appeal being admitted.

Sudder Dewanny Adawlut may, in particular cases, require further security during appeals, if on application of the parties the security taken appear insufficient.

[*V.* 1798, *iii.*]

In default of such further security being given by appellants, the judgment to be executed.

Provided the prescribed security be given by the respondents.

Tenth. As cases may occur, wherein neither the appellant nor the respondent may be able to give the prescribed securities for staying the execution of the decree, or for the execution thereof in favour of the plaintiff, it is hereby enacted, that in all such cases the property adjudged shall be held in attachment during the appeal, or until such time as one of the parties shall be able to give the required securities, by the collector of the district wherein the land shall be situated, at the expense of the party who may be ultimately declared entitled thereto, under the provisions in that respect established. No attachment, however, shall be made by any collector in the cases herein supposed, until he shall have received a precept requiring him to make the same from the *Provincial Court*, wherein the original judgment in the case shall have been passed; which precept shall state specifically the property to be included in the attachment, and shall require the collector to continue the same until ordered to be withdrawn by a farther precept from the court, to be issued either on the prescribed securities being given by one of the parties, or on the cause being finally determined.

See Sec. ii. Reg. VII. 1806.

Provision for cases wherein neither the appellant nor respondent may be able to give the prescribed securities.

[*V.* 1798, *vi.*]

The collectors to hold the adjudged property in attachment in such cases.

Eleventh. If a petition for an appeal to the Sudder Dewanny Adawlut shall be rejected, on whatever ground, by the Provincial Court, such court shall, on the court day next ensuing, or as soon afterwards as may be practicable, cause the appellant to be furnished with a copy of their order for the rejection of the appeal: and the appellant shall be still at liberty to present his petition of appeal to the Sudder Dewanny Adawlut, in the mode, and under the restrictions prescribed by this section; provided that such petition set forth the previous application made to the Provincial Court, and the rejec-

Superseded by Sec iii. Reg. XXVI. 1814.

Provincial Court on rejecting a petition of appeal to the Sudder Dewanny Adawlut to furnish appellant with a copy of their order for such rejection.

And appellant at liberty to present his petition of appeal to the Sudder Dewanny Adawlut under restric-

tions prescribed by this section.

tion of the appeal by that court, and be accompanied by a copy of the order of rejection, or by a declaration that such copy was applied for ten days after the same was passed and not obtained.

Where the appellant does not comply with the rules of appeal, decree to be executed.

Twelfth. If the party desiring to appeal shall neglect or refuse to enter into the securities in the manner prescribed in this section, the court by whom the decision may have been passed shall order the decree to be executed.

Superseded by Sec. xv. Reg XXVI. 1814

Rules for authorizing the Sudder Dewanny Adawlut to take cognizance, in certain cases, of appeals which the Provincial Courts may have refused to admit, or dismissed without investigation

Thirteenth. In all cases wherein an appeal shall lie under the existing Regulations to the Provincial Court of Appeal from the decision of a Zillah Court, and in which the Provincial Court shall have refused to admit the appeal, on the ground of delay, informality, or other default in preferring it; or after having admitted the appeal, shall dismiss it on the ground of some default, without investigating the merits of the cause; it shall be competent to the Sudder Dewanny Adawlut to receive an appeal, from the order of dismissal of the Provincial Court, whatever may be the amount or value at issue in the cause; provided such appeal be preferred in conformity to the rules prescribed with regard to other appeals to the Court of Sudder Dewanny Adawlut: and if it shall appear to that court, on examination of the proceedings of the Provincial Court, that the appeal was rejected or dismissed by the latter on insufficient grounds, it may order the Provincial Court to receive the appeal or to revive it if received and dismissed, and to try and determine the cause upon its merits according to the Regulations. Provided further, however, that if such appeals shall, on inquiry, be found groundless and litigious, the Court of Sudder Dewanny Adawlut shall, in all such instances, punish the litigious appellant as authorized by Section XII. in other cases of litigious appeal, viz. by a fine to Government, proportionable to the condition of the party and to the circumstances of the case.

Superseded by Sec. iii. Reg XXVI. 1814.

Provision respecting litigious appeals.

XI. [*Same as Section XI. Regulation VI.* 1793.]

Interest to be allowed on sums adjudged by the decree appealed from, if confirmed, and litigious appeals to be punished by fine.

[*XIII* 1796, m]

XII. If the Sudder Dewanny Adawlut shall confirm the decree of the *Provincial Court*, it shall adjudge interest, at the rate of one per cent. per mensem, on all sums receivable by the respondent under the decree passed in his favour, from the date of such decree: and the Sudder Dewanny Adawlut is authorized to punish appeals which may appear to it to be litigious by a fine to Government, proportionate to the condition of the party and the circumstances of the case.

XIII. [*Same as Section XIII. Regulation VI.* 1793, *substituting in the first sentence of the section for the specification of languages, the words* "in such of the languages of the country as the court may direct."]

XIV. [*Same as Section XIV. Regulation VI.* 1793, *substituting for the specification of languages* "in the Persian language and character and in the Hindoostance language and Nagerec character."]

XV. XVI. [*Same as Sections XV. and XVI. Regulation VI.* 1793.]

XVII. [*Same as Section XVII. Regulation VI.* 1793, *substituting* "Section VII. Regulation III. 1803, "*for the corresponding* "Section VI. Regulation IV. 1793."]

XVIII. XIX. [*Same as Sections XVIII. and XIX. Regulation VI.* 1793.]

XX. [*Same as Section XX. Regulation VI.* 1793, *substituting* "the established Regulations" *for* "Regulation VII. 1793."]

XXI. XXII. XXIII. [*Same as Sections XXI. XXII. and XXIII. Regulation VI.* 1793.]

XXIV. [*Same as Section XXIV. Regulation VI.* 1793, *substituting the following for the latter portion of the section, beginning,*]

A copy of the decree to be sent to the Governor-General in Council.

If the lands are decreed forfeited, the Governor-General in Council may confirm the decree, or commute the forfeiture for a fine.

If the forfeiture is commuted for a fine, how the amount is to be levied.

If the decree is declared final, the court is to issue a process to the collector to sequester the lands.

The court shall immediately forward a copy of their decree and proceedings to the Governor-General in Council. It shall be at the option of the Governor-General in Council, on the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the offender, he shall think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the court, upon receiving notice of the fine which he shall impose, shall levy the amount of it by the same process by which it is directed to enforce its decrees. In the event of the Governor-General in Council ordering the decree to be executed, the court shall issue a precept, under the seal of the court and the signature of the register, requiring the collector of the revenue of the zillah to depute an aumeen, with a proper establishment of officers (whose allowances shall be specified in the precept), to sequester the lands and collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expense of an aumeen, the court shall direct a precept to be issued to the collector of the zillah, to order the nearest tehseeldar, or other officer employed under him in the business of the collection, to take charge of the lands. The officers shall perform the duties prescribed to aumeens in such cases, and under the same restrictions and penalties.

XXV. [*Same as Section XXV. Regulation VI.* 1793, *omitting the concluding words* "under the rules prescribed for the sale of lands so forfeited in Regulation XIV. 1793."]

Sudder Dewanny Adawlut how to proceed against persons holding farms of Government, who may resist their process.

[*VI.* 1793, *xxvi.*]

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed by the court, if the offender shall not appear, or shall appear

XXVI. If a farmer of land holding a farm immediately of Government shall resist, or cause to be resisted, any process, rule, order, or decree, which shall at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by *oath* to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own, or in any house or building, or retire to any place so that he cannot be served with the summons, the court shall proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period; or if he shall appear within the limited time, and after receiving his answer to the

and be proved guilty of the charge.

charge, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court that he is guilty of the charge, the court shall decree the lease cancelled from the expiration of the revenue year in which the decree shall be passed. The Sudder Dewanny Adawlut shall immediately forward a copy of the decree and proceedings to the Governor-General in Council. It shall be at the option of the Governor-General in Council, on the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he shall think adequate to the offence for which the decree shall have been passed: or if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed upon the offender, the court, upon receiving notice of the fine, shall levy the amount of it by the same process as is prescribed for enforcing decrees of the court. If the lease of the offender shall be annulled, and a balance shall be due from him to Government at the close of the year in which the lease shall be cancelled, both he and his surety shall be held responsible for the payment of the amount; and the collector of the revenue of the zillah is empowered to proceed against them for the recovery of it, agreeably to the rules in that respect established. The offender is permitted to prosecute in the Adawlut of the zillah in which the farm shall be situated, the dependent talookdars, under-farmers, and ryots in the lands included in the farm, for any arrears of rent or revenue which shall be due from them to him, on account of the period during which his lease remained in force.

A copy of the decree to be sent to the Governor-General in Council.

Option reserved to the Governor-General in Council to confirm the decree, or commute it for a fine, and to compel the farmer to perform the conditions of his lease.

How such fines are to be levied.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers, whose leases may be cancelled, how to recover balances.

XXVII. XXVIII. [*Same as Sections XXVII. and XXVIII. Regulation VI.* 1793.]

Provincial Court not to furnish translates of papers in the country languages which they may transmit to the Sudder Dewanny Adawlut.

Exception.

XXIX. The *Provincial Court* shall not prepare for the Sudder Dewanny Adawlut translations of any papers written in the country languages which it may transmit to that court, whether relating to causes appealed or other matters; unless where particularly so directed to furnish the same, by precept, from the Sudder Dewanny Adawlut.

XXX. [*Same as Section XXXI. Regulation VI.* 1793.]

Appeal to *his* Majesty in Council.

XXXI. An appeal shall lie from the decision of the Sudder Dewanny Adawlut to the *King's* Most Excellent Majesty and his Most Honourable Privy Council, in all civil suits, the value of which shall be *five thousand pounds and upwards.*

"Rs. 10,000," —see schedule annexed to Reg XVI. 1797.

XXXII. *First* and *Second.* [*Same as Sections II. and III. Regulation XVI.* 1797.]

XXXIII. to XXXVI. [*Same as Sections IV. to VII. Regulation XVI.* 1797.]

XXXVII. [Reviews of judgment.]—*Rescinded by Section IV. Regulation XXVI.* 1814.

XXXVIII. [*Same as the latter moiety of Section VII. Regulation II.* 1801, *beginning,* "Whenever a report of negligence or misconduct," *&c. substituting* "Section X. Regulation IV. 1803, or of Section XIII. Regulation XII. 1803," *for the corresponding* "Section X. Regulation V. 1793, or of Section X. Regulation XIII. 1793." *The former portion of the section is only recital.*]

A.D. 1803. REGULATION VI.†

COMPARATIVE TABLE.

II.	———	Sec. II. Regulation IX. 1793.	
III.*	———	III. „	
IV. to XII.	———	IV to XII. Regulation IX. 1793.	
XIII.	———	*XIII.* „	Rescinded.
XIV. to XVIII.	———	*XIV. to XVIII.* „	Rescinded.
XIX. 1,2,3.	———	II. Regulation II. 1796.	
4.	———	III. „	
5.	———	IV. „	
XX. XXI. XXII.	———	XX. XXI. XXIII. Regulation IX. 1793.	
XXIII.	Rescinded.	*XXIV.* „	Rescinded.
XXIV.	———	XXVII. Regulation IX. 1793.	
XXV. XXVI.	———	XXV. XXVI. „	
XXVII.	Rescinded.	*XXVIII.* „	Rescinded.
XXVIII.	Superseded.	*XXIX.* „	Superseded.
XXIX. XXX.	Rescinded.	*XXX.* „	Rescinded.
XXXI.*	———	Cl. 1, III. Regulation XIV. 1797.	
XXXII.	———	Sec. II. Regulation IX. 1796.	
XXXIII.	———	III. Regulation II. 1796.	
XXXIV.*			

This Regulation contains so much of Regulation IX. 1793, as relates to magistrates.

A REGULATION *for the Guidance of the Magistrates of the several Zillahs in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, in apprehending Persons charged with Crimes or Offences, and bringing them to Trial:* PASSED *by the Governor-General in Council, on the 24th March,* 1803.

I. FOR the due preservation of the peace, and for the guidance of the magistrates in the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, in apprehending persons charged with crimes or offences, and bringing them to trial, the following rules have been enacted.

† This and the two following Regulations are framed on Regulation IX. 1793, with additions from later enactments.

II. [*Same as Section II. Regulation IX.* 1793, *mutatis mutandis.*]

Special jurisdiction of the magistrates of the several zillahs. [*IX.* 1793, *iii.*]

III. The special jurisdiction of the magistrates of the several zillahs shall extend throughout the districts included in the zillahs in which they are respectively stationed.

IV. to XII. [*Same as Sections IV. to XII. Regulation IX.* 1793.]

XIII. [Magistrates to prepare a calendar.]—*Rescinded by Section II. Regulation VII.* 1829.

XIV. [*Same as Section XIV. Regulation IX.* 1793, *with the following additional paragraph* (*taken from Section IV. Regulation IX.* 1796).]

Magistrates to furnish *Courts of Circuit* with the original returns of the nazir, and persons deputed to summon witnesses not in attendance. [*IX.* 1796, *iv.*]

Nazir and person deputed, to attend the *Court of Circuit.*

The list of witnesses shall further be accompanied with the original returns made to the magistrate by the nazir, and person deputed on his part to serve the summons on any witness, who shall not be in attendance; and the nazir, and person so deputed on his part, shall be kept in attendance on the *Court of Circuit*, to answer any interrogatories which the court may have occasion to put to him; to the end that the *Court of Circuit* may be enabled to ascertain the real cause of the non-attendance of any witness by their own inquiry, and to evince to the Court of Nizamut Adawlut, in cases referable to that court, that all due measures have been taken to ensure the attendance of the witnesses, both on the part of the prosecutor and the prisoner.

XV. XVI. [*Same as Sections XV. and XVI. Regulation IX.* 1793.]

XVII. [*Same as Section XVII. Regulation IX.* 1793, *omitting the special rule for the cities of Patna, &c.*]

XVIII. [*Same as Section XVIII. Regulation IX.* 1793.]

XIX. *First, Second, Third.* [*Same as Clauses First, Second, and Third, Section II. Regulation II.* 1796.]

Fourth. [*Same as Section III. Regulation II.* 1796, *substituting* "the established Regulations" *for* "Section XXVI. Regulation IX. 1793."]

Fifth. [*Same as Section IV. Regulation II.* 1796, *omitting the beginning down to the words* "The magistrates of the several zillahs who have not already taken the prescribed oath," *&c.*]

XX. XXI. [*Same as Sections XX. XXI. Regulation IX.* 1793.]

XXII. [*Same as Section XXIII. Regulation IX.* 1793, *substituting* "Hindoostanee" *for* "Bengal."]

XXIII. [Reward for apprehension of dacoits.]—*Rescinded by Section XIII. Regulation XVI.* 1810.

XXIV. [*Same as Section XXVII. Regulation IX.* 1793.]

XXV. XXVI. [*Same as Sections XXV. and XXVI. Regulation IX.* 1793.]

XXVII. [Magistrates to make monthly reports.]—*Rescinded by Section II. Regulation VII.* 1829.

XXVIII. [*Same as Section XXIX. Regulation IX.* 1793—*superseded.*]

XXIX. and XXX. [Magistrates to make reports.]—*Rescinded by Section II. Regulation VII.* 1829.

Modified by Act XVI. 1850.

No fines to be imposed by magistrates but to the use of Government, with a definite period of imprisonment to be held as equivalent to the fines imposed.

[*XIV.* 1797, *iii.* 1*st.*]

Imprisonment not to exceed the periods specified in Secs. viii. and ix.

XXXI. No fines shall be imposed by a magistrate, save and except to the use of Government; and whenever a fine to the use of Government shall be imposed, the magistrate who shall pass the sentence shall at the same time, weighing all the circumstances of the case, fix a definite period of imprisonment to be held as equivalent to the fine; at the expiration of which the persons convicted shall be discharged, if they shall not have previously paid the fine. In cases in which the magistrates shall impose fines, the imprisonment to be fixed by them as equivalent to the fines shall not exceed the periods specified in Sections VIII. and IX.

XXXII. [*Same as Section II. Regulation IX.* 1796.]

XXXIII. [*Same as the latter part of Section III. Regulation IX.* 1796, *beginning,* "In the event of any person, whether committed or held to bail."]

Magistrates not to take cognizance of crimes committed previous to the 10th November, 1801.

Crimes committed subsequent to that period, and the promulgation of this Regulation how to be tried.

XXXIV. Nothing contained in this Regulation shall be construed to empower the magistrates to take cognizance of crimes or offences committed previous to the 10th day of November, 1801, the date of the cession of the provinces aforesaid to the Honourable the English East-India Company; and all crimes and offences committed subsequent to the said date, and antecedent to the date of the promulgation of this Regulation, shall be tried by the laws and regulations which were in force during that period.

Reg. VII. 1803.

A.D. 1803. REGULATION VII.

COMPARATIVE TABLE.

II. III. IV.	Rescinded. Sec.	*XXXI. to XXXIII. Reg. IX.* 1793, Rescinded.
V. VI.	———	XXXIV. and XXXV. Reg. IX. 1793.
VII.	Rescinded.	*XXXVI.* „ Rescinded.
VIII.	———	XXXVII. Regulation IX. 1793.
IX.	Rescinded.	*XXXVIII.* „ Rescinded.
X.	Superseded.	*XXXIX.* „ Superseded.
XI. XII.	Rescinded.	*XL. XLI.* „ Rescinded.
XIII. XIV.	Rescinded.	*V. VI. Regulation III.* 1797—Superseded.
XV. 1.	———	XLVII. Regulation IX. 1793.
2.	———	III. Regulation IV. 1797.
XVI. XVII.	———	XLVIII. XLIX. Regulation IX. 1793.
XVIII.	———	VII. Regulation IV. 1797.
XIX.	———	L. Regulation IX. 1793.
XX. XXI.	———	LI. „
XXII. XXIII.	———	LIII. LIV. „
XXIV.	Superseded.	*VIII. Regulation IV.* 1797—Superseded.
XXV. XXVI. XXVII.	———	LVI. LVII. LVIII. Regulation IX. 1793.
XXVIII.	Rescinded.	*LIX.* „ Rescinded.
XXIX.	Superseded.	*LX.* „ Superseded.
XXX.	———	LXIII. Regulation IX. 1793.
XXXI.	Superseded.	*VI. Regulation XLVII.* 1793—Superseded.
XXXII.	Rescinded.	*LXII. Regulation IX.* 1793—Rescinded.
XXXIII.	———	LXV. Regulation IX. 1793.
XXXIV.	———	VI. Regulation IV. 1797.
XXXV.	Rescinded.	*XI.* „ Rescinded.
XXXVI.*	———	XIII. Regulation V. 1797.
XXXVII.	———	XII. „
XXXVIII.	———	XIV. „
XXXIX. 1.	———	Cl. 1, III. „
2.	———	IV. „
3.*	———	VII. VIII. Regulation XIV. 1797.
XL.	Rescinded.	*II. Regulation XVII.* 1797—Rescinded.
XLI.	———	II. Regulation X. 1799.
XLII.*		

This Regulation contains so much of Regulation IX. 1793, as relates to the powers of Courts of Circuit now exercised by the session judges.

A REGULATION *for the Establishment of a Court of Circuit for the Trial of Persons charged with Crimes, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. WHEREAS it is expedient that persons charged with crimes should be speedily brought to trial, and that witnesses should not be exposed to the inconvenience and expense arising from a long absence from their homes, the Governor-General in Council has determined that a Court of Circuit shall be established in the provinces ceded by the Nawaub Vizier to the Honourable the East-India Company, and that such court shall proceed twice in every year to the several zillahs, for the purpose of trying and determining criminal cases, agreeably to the following rules.

II. III. IV. [Constitution and jurisdiction of the Court of Circuit.]—*Rescinded by Section V. Regulation I.* 1829.

V. VI. [*Same as Sections XXXIV. and XXXV. Regulation IX.* 1793.]

VII. [Cauzy and mufty.]—*Rescinded by Section V. Regulation I.* 1829, *and Section VII. Regulation III.* 1829.

VIII. [*Same as Section XXXVII. Regulation IX.* 1793.]

IX. [Retrospective oath of cauzy and mufty.]—*Rescinded by Section IV. Regulation XVIII.* 1817.

X. [Appointment of native officers to the Court of Circuit.]—*Superseded by the abolition of the court.*

XI. to XIV. [Number and order of jail deliveries.]—*Rescinded by Section V. Regulation I.* 1829.

XV. *First.* [*Same as Section XLVII. Regulation IX.* 1793.]
Second. [*Same as Section III. Regulation IV.* 1797, *omitting* "conformably to Section XLVII. Regulation IX. 1793," *and substituting for the other references to Regulation IX.* 1793, *the corresponding sections of this Regulation.*]

XVI. XVII. [*Same as Sections XLVIII. and XLIX. Regulation IX.* 1793.]

XVIII. *First* to *Sixth.* [*Same as Clauses Second to Seventh, Section VII. Regulation IV.* 1797.]

XIX. [*Same as Section L. Regulation IX.* 1793.]

XX. XXI. [*Same as Section LI. Regulation IX.* 1793.]

XXII. XXIII. [*Same as Section LIII. and LIV. Regulation IX.* 1793.]

XXIV. [Provision for the absence of the law officer of the Court of Circuit.]—*Superseded by Section VII. Regulation III.* 1829.

XXV. XXVI. XXVII. [*Same as Sections LVI. LVII. LVIII. Regulation IX.* 1793.]

XXVIII. [Punishment of contempt of court.]—*Rescinded by Clause First, Section V. Regulation XII.* 1825.

XXIX. [Incapacity or misconduct of law officers to be reported.]—*Superseded by Section VII. Regulation III.* 1829.

XXX. [*Same as Section LXIII. Regulation IX.* 1793.]

XXXI. [Absence of judge.]—*Superseded by the abolition of the court.*

XXXII. [Judge to visit the jails.]—*Repealed by Section I. Act XVIII.* 1844.

XXXIII. [*Same as Section LXV. Regulation IX.* 1793.]

XXXIV. [*Same as Section VI. Regulation IV.* 1797.]

XXXV. [Marking by godena.]—*Repealed by Act II.* 1849.

Court of Circuit, if practicable, to transmit those trials first to the Nizamut Adawlut, on which the prisoners have been sentenced to capital punishment.
[*V.* 1797, *part of xiii.*]

XXXVI. The *Court of Circuit* is required by Section XXVII. to transmit to the Nizamut Adawlut copies of their proceedings on the trial of all prisoners whom they may sentence to suffer death, or who may, in their opinion, be deserving of capital punishment, within ten days after the trial shall have been completed, or as much earlier as from the state of business shall be practicable. The court is further directed in the transmission of trials to the Nizamut Adawlut, to give a preference, as far as shall be practicable, to those trials on which the prisoner or prisoners shall have been sentenced to capital punishment, or shall be liable to suffer such under the Regulations.

XXXVII. [*Same as Section XII. Regulation V.* 1797, *omitting the last paragraph, which is now inoperative.*

XXXVIII. [*Same as Section XIV. Regulation V.* 1797.]

XXXIX. *First.* [*Same as Clause First, Section III. Regulation XIV.* 1797.]

Second. [*Same as Section IV. Regulation XIV.* 1797, *substituting* "Section XV." *i. e. of this Regulation, for* "Section III. Regulation IV. 1797."]

This section not to prevent the restitution of stolen goods produced before the magistrates and *Court of Circuit*, nor a reimbursement of costs in particular instances.
[*XIV.* 1797, *vii. and viii.*]

Third. Nothing contained in this section shall be construed so as to prohibit the restitution to the lawful owners of stolen property recovered and produced before the magistrates and *Court of Circuit;* nor to restrict the Criminal Courts from adjudging a reimbursement of costs actually incurred, upon a prosecution before them, by either of the parties thereto, in particular instances, wherein they shall consider such reimbursement just and equitable.

XL. [Perjury.]—*Rescinded by Section II. Regulation II.* 1807.]

XLI. [*Same as Section II. Regulation X.* 1799, *substituting* "Section XVIII." *of this Regulation for the corresponding* "Section VII. Regulation IV. 1797."]

Court of Circuit not to take cognizance of crimes committed previous to the 10th November, 1801.
Crimes committed subsequent to that period and the promulgation of this Regulation, how to be tried.

XLII. Nothing contained in this Regulation shall be construed to empower the *Court of Circuit* to take cognizance of crimes or offences committed previous to the 10th day of November, 1801, the date of the cession of the provinces aforesaid to the Honourable the English East-India Company; and all crimes and offences committed subsequent to the said date, and antecedent to the date of the promulgation of this Regulation, shall be tried by the laws and Regulations which were in force during that period.

A.D. 1803. REGULATION VIII.†

Reg. VIII. 1803.

COMPARATIVE TABLE.

II. III. IV.	Superseded.	
V.*	———	Sec. VI. Regulation II. 1801.
VI.*	———	LXVIII. Regulation IX. 1793.
	———	XVI. Regulation II. 1801.
VII.*	———	XVII. "
VIII.	Superseded.	LXXI. Regulation IX. 1793.
IX.	———	LXXIV. Regulation IX. 1793.
X. 1.	———	LXXV. "
2.	———	II. Regulation VIII. 1801.
3, 4, 5.	———	III. IV. V. "
6.*	———	VI. "
XI.	———	IV. Regulation IV. 1797.
XII.	———	LXXVII. Regulation IX. 1793.
XIII.	———	LXXVIII. "
XIV.	Rescinded.	*LXXIX.* " Rescinded.
XV. XVI. XVII.	———	II. III. IV. Regulation VIII. 1799.
XVIII.	Superseded.	*X. Regulation IV.* 1797—Superseded.
XIX. XX. XXI.	Rescinded.	*II. III. IV. Regulation VI.* 1796—Rescinded.
XXII.	Rescinded.	*V. Regulation II.* 1799—Rescinded.
XXIII.	———	V. Regulation II. 1799.
XXIV.*	———	XIV. Regulation II. 1801.
XXV. XXVI.*	———	Extended to Bengal, &c. by Sec. II. Regulation L. 1803.

This Regulation contains so much of Regulation IX. 1793, as relates to the Nizamut Adawlut.

A REGULATION *for extending the Jurisdiction of the Nizamut Adawlut to the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. IT being essential to the due administration of justice, that the Nizamut Adawlut should be vested with the power of superintending the several inferior criminal tribunals, the following rules have been accordingly enacted, for extending the jurisdiction of that court to the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and for declaring and making known to the inhabitants of those provinces the constitution of the said court.

II. III. IV. [Constitution of the court—oath of the judges.]—*Superseded by Sections IV. and V. Regulation VI.* 1831.

† By Reg. VI. 1831, a Nizamut Adawlut for the North-Western Provinces was established.—The rules which were applied to the Nizamut Adawlut at Calcutta by this Regulation must be understood as now applying to the Nizamut Adawlut for the North-Western Provinces.—See Sec. vi. Reg. VI. 1831.

Two judges necessary to form a court.

Where three are present, majority of votes to decide.

On a difference of opinion when two judges are only present, court to be adjourned until the third judge attends.

[*II.* 1801, *vi.*]

V. *Two judges shall be necessary to hold a court, and no sentence or final order shall be valid unless passed by two judges present. In the event of any difference of opinion arising when the three judges shall be present in court, the voices of the majority shall determine the question; but if a difference of opinion shall arise when two judges only shall be present in court, the question then before the court shall be postponed for adjudication until the three judges shall attend. The judge who may be absent when any such case shall occur shall be duly advised of the same by the register to the court, and the chief judge shall instruct the register to summon a special sitting of the court for the adjudication of the question; or the chief judge shall order the said question to be brought forward for adjudication at the next ensuing ordinary sitting of the court, when all the said judges shall be present.* The ordinary sittings of the court shall be holden once in each week; and special sittings, when necessary, shall be summoned by the register, on his receiving orders for that purpose *from the chief judge, or (during the absence or indisposition of the chief judge) from the senior judge at the presidency, who is hereby declared to be vested with the same powers as are vested in the chief judge, whenever the chief judge may quit the presidency, or from indisposition or other cause may be unable to attend the court, and also whenever the chief judge shall desire the senior judge present to officiate for him.* It shall further be competent to *the chief judge, or to* any judge of the court to whom this duty may be delegated by the court at large, to receive any petitions receivable by the Nizamut Adawlut, and to proceed thereupon as the Regulations authorize and direct, so that all such petitions be received in open court, *and that no decision or final order be passed thereupon, otherwise than in the presence of two judges,* nor any order which may be repugnant to a previous sentence or order of the court. Any one or more of the judges of the Nizamut Adawlut may also take the depositions of witnesses in open court, instead of causing the same to be taken by the register, in cases where this mode of examination may be judged advisable; and, generally, the judges of the Nizamut Adawlut are authorized to regulate the mode and order of their own proceedings, as well as the execution of their process, subject to the rules prescribed by the Regulations. All process issued from the court shall be signed by the register, under such instructions as may be prescribed by the court for his guidance.

Ordinary sittings to be once a week.

Senior judge to have the powers of the chief judge during his absence.

Modified and partly superseded by Sec. vi. Reg. VI.; and Sec. ii. Reg. IX. 1831.

Petitions how to be received.

Depositions in open court to be taken by any of the judges.

Process how to be signed.

A diary to be kept of proceedings, but not to be recorded in English, further than may be conducive to regularity.

VI. A diary shall be kept of the proceedings of the Court of Nizamut Adawlut, but shall not be recorded in English, further than the court may find convenient and conducive to regularity. The court shall furnish attested copies and translations of its proceedings, in cases where a reference may be competent to the Governor-General in Council.

On a reference to the Governor-General in Council, translations to be furnished. [*IX.* 1793, *lxviii. and II.* 1801, *xvi.*]

Register to take an oath similar to that prescribed for the register to the Court of Circuit.

[*II.* 1801, *xvii.*]

VII. *The register to the Court of Nizamut Adawlut is required to take and subscribe, before the court, an oath similar to that prescribed for the register to the Court of Circuit.* Where translations are required, the same shall be made by the register or his assistants; or if, at any time, their other official avocations may not admit of their making the requisite translations, the court is empowered to cause the same to be made by any other competent person. The register shall be styled register to the Court of Nizamut Adawlut.

Superseded by Sec. v. Reg. VI. 1831.

Translations, where necessary, to be made by the register.

VIII. [Oaths of the Mahomedan law officers.]—*Superseded by Section V. Regulation VI.* 1831.

IX. [*Same as Section LXXIV. Regulation IX.* 1793.]

X. *First.* [*Same as Section LXXV. Regulation IX.* 1793, *and the latter part of Section V. Regulation VIII.* 1799, *beginning* "It is further hereby expressly declared."]

Second. [*Same as Section II. Regulation VIII.* 1801, *inserting at the end of the first paragraph,* "any distinction in the Mahomedan law to the contrary notwithstanding," *and substituting* "Regulation VII. 1803," *for* "Regulations IV. 1797, and VIII. 1799."]

Third, Fourth, Fifth. [*Same as Sections III. IV. and V. Regulation VIII.* 1801.]

Sixth. Such part of Clause Second, Section XV. Regulation VII. 1803, as authorizes the *Court of Circuit,* in cases of kutl-khota and other cases of accidental homicide, when the prisoner may be declared liable to the deyut, or price of blood, to commute such price to imprisonment, is not to be considered applicable to any of the cases noticed in Clauses Second and Third of this section. A prisoner shall not be liable to suffer any imprisonment, or other punishment, in the cases of accidental homicide mentioned in Clause Second, Section XV. Regulation VII. 1803, although the deyut should be declared by the law officers to be payable under the Mahomedan law, if the homicide shall clearly appear to have been committed by misadventure in the prosecution of a lawful act, and without any malignant intention.

The rules contained in Cl. 2, Sec. XV. Reg. VII. 1803, not applicable to the cases specified in Cls. 2 and 3 of this section.

[*VIII.* 1801, *vi.*]

The sentence of imprisonment, &c. not to be passed in cases of accidental homicide, when no unlawful or criminal intention appears.

XI. [*Same as Section IV. Regulation IV.* 1797, *substituting in the first line* "Section XV. Regulation VII. 1803," *for* "the foregoing section."]

XII. XIII. [*Same as Sections LXXVII. and LXXVIII. Regulation IX.* 1793.]

XIV. [Nizamut Adawlut may recommend convict to mercy.]—*Rescinded by Section II. Regulation XIV.* 1810.]

XV. [*Same as Section II. Regulation VIII.* 1799, *substituting* "natural justice" *for* "equal justice," *and omitting the words* "which may render the prisoner a proper object of mercy."]

XVI. [*Same as Section III. Regulation VIII.* 1799, *omitting the words* "which may render him or her a proper object of mercy," *and the last paragraph, beginning* "and experience," *&c.*]

XVII. [*Same as Section IV. Regulation VIII.* 1799, *substituting* "Sections XV. and XVI." *for* "Sections II. and III. of this Regulation," *and the words* "there shall appear no alleviating circumstances in the case" *for* "be not a proper object of mercy."]

XVIII. [Transportation of convicts for life.]—*Superseded by Acts XIV.* 1844, *and X.* 1847.

XIX. XX. XXI. [Pardon of convicts.]—*Rescinded by Section II. Regulation XIV.* 1810.

XXII. [Punishment of convicts escaping.]—*Rescinded by Section IX. Regulation LIII.* 1803.

XXIII. [*Same as Section VI. Regulation II.* 1799.]

The powers vested for suspending judges, &c. in the Sudder Dewanny Adawlut, belong equally to the Nizamut Adawlut.
[*II.* 1801. *xiv.*]

XXIV. The powers vested in the Court of Sudder Dewanny Adawlut by Section XV. Regulation IV. 1803, to suspend any judge of a Zillah Court, in cases of disobedience or neglect, or false return to any process, rule, or order of the *Provincial Court of Appeal:* and further, by Section XIII. Regulation V. 1803, to suspend from office any judge or judges of the *Provincial or* Zillah Courts, for disobedience or neglect of any process, rule, or order of the Court of Sudder Dewanny Adawlut, or for a false return thereto, shall be considered equally vested in the Court of Nizamut Adawlut, in similar cases of disobedience, neglect, or false return to any process, rule, or order of that court, by the judges of the *Court of Circuit* or the zillah magistrates, as well as in cases of disobedience, neglect, or false return by a zillah magistrate to any process, rule, or order of a *Court of Circuit;* and, in such cases, the *Court of Circuit* is directed to make the same reports to the Court of Nizamut Adawlut, as the *Provincial Court of Appeal* is required to make to the Sudder Dewanny Adawlut, by Section XV. Regulation IV. 1803. The Court of Nizamut Adawlut is further authorized and directed to proceed upon reports from the *Court of Circuit* of neglect or misconduct by the zillah magistrates, made in pursuance of Section XXX. Regulation VII. 1803, as well as upon reports from the *Court of Circuit* and zillah magistrates, of neglect or misconduct by their registers or assistants, or other ministerial officers, made in pursuance of Section XIII. Regulation XII. 1803, in the same manner as the Court of Sudder Dewanny Adawlut is authorized and directed by Section XXXVIII. Regulation V. 1803, to proceed upon similar reports to that court of neglect or misconduct on the part of the judges of the Zillah Courts, or of the registers, assistants, and other ministerial officers of those courts, or of the *Provincial Court of Appeal:* and in all cases wherein a covenanted servant of the Company, employed in any of the Criminal Courts or in any office of police, may appear to the Nizamut Adawlut to have been guilty of neglect of duty or of other misconduct, not expressly provided for by the Regulations, that court is either to report the same to the Governor-General in Council, or to advise and admonish the party, as the case may require, under the provisions contained in Section XXXVIII. Regulation V. 1803, the whole of which is declared applicable to such cases.

Reports to be made by the *Court of Circuit* to the Nizamut Adawlut, in cases of neglect or misconduct.

Nizamut Adawlut how to proceed on such reports.

XXV.* *First.* [Rule requiring Hindoo and Mahomedan witnesses to take oaths.]—*Superseded by Act V.* 1840.

Summonses to witnesses to be served by chupprassies or other public officers.

But all summonses to witnesses in criminal cases shall be served by a chupprassy, peon, or other officer of the magistrate, or by a police officer,

* This Section is an original enactment, and is extended to Bengal, Behar, and Orissa, by Regulation L. 1803.

instead of being delivered to parties to be served on their own witnesses, as admitted, at the discretion of the judges, in civil cases.

Second. The power of committing to close custody, and fining in a sum not exceeding five hundred rupees, any witness duly summoned, and after receiving the summons not attending as thereby required, or although attending, refusing to give evidence and sign his deposition, which by the section above mentioned is vested in the judges of the Civil Courts, shall be considered to be equally vested in the zillah magistrates, and in the *Court of Circuit* and Nizamut Adawlut. But witnesses attending and refusing to give evidence, whether in the Civil or Criminal Courts, shall, in the first instance, be committed to custody only: and shall be called upon a second time, after such interval as may by the court be judged sufficient (not being less than one entire day); when, if the witness persist in his refusal to give evidence, he shall be fined in proportion to his situation in life (not exceeding the amount limited) and confined in the gaol of the Civil Court until the fine be discharged; or for such period of imprisonment as may be fixed in lieu of the fine, under Section XXXIX. Regulation VII. 1803; or if the cause or trial in which the evidence of the witness may be requisite shall be still depending, until he shall consent to give his evidence therein; after which, in such case, he shall be released and the fine remitted.

Zillah magistrates, and *Court of Circuit* and Nizamut Adawlut, empowered to commit to custody and fine witnesses not attending, or refusing to give evidence or sign their depositions.

Third. Provided, however, that it be not considered necessary that any trial before the *Court of Circuit* be postponed to a future session for the evidence of a witness confined under this section, unless the judge of *circuit* should think it proper to postpone the same on this account, under the discretion vested in him by Section XVII. Regulation VII. 1803; nor shall it be necessary to postpone the decision of any case, civil or criminal, for the evidence of a witness so confined, beyond such period as may appear proper to the court before which the suit or trial may be depending.

No trial before the *Court of Circuit*, nor the decision of any case, civil or criminal, to be postponed for the evidence of a witness so confined, beyond such period as the court shall deem proper.

Fourth. Provided also, that all fines imposed by the zillah magistrates under this section, whether for the non-attendance of witnesses duly summoned or for the refusal to give evidence, shall be reported at the next ensuing gaol delivery, with all proceedings relative thereto, to the judges of the *Court of Circuit;* who, in the event of any representation being made to them relative to such fine, are to examine the magistrate's proceedings, and report to the Nizamut Adawlut (as required in other cases by Section XVII. Regulation VI. 1803), if the fine shall appear to be immoderate, or to have been imposed on insufficient grounds; or if otherwise, are to inform the party complaining by a written order on his petition.

All fines imposed by the zillah magistrates under this section, to be reported to the *Court of Circuit*, who, on representation made to them, are to examine, and report to the Nizamut Adawlut, should they deem the fines immoderate.

Fifth. In charges preferred, and prosecutions conducted on the part of Government, the vakeel of Government, or other person acting as prosecutor for Government, shall not be required to make oath, or subscribe a declaration, to the truth of the charge, when preferring it to the magistrate or stating it before the *Court of Circuit.*

Superseded by Act V. 1840.

The vakeel or prosecutor for Government exempted from swearing or subscribing a declaration in prosecutions on the part of Government.

Sixth. The Civil Courts are directed by Section VII. Regulation III. 1803, *to administer to parties and witnesses such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. The same rule is to be observed by the Criminal Courts; but in both, should a Hindoo party or witness state objections to the usual form of*

A part of Sec. vii. Reg. III. 1803, *extended to the Criminal Courts, who, as well as the Civil Courts, may administer such forms of oaths as may be found legal, and deemed bind-*

ing on the consciences of Hindoos, objecting to be sworn by the water of the Ganges.

Exception to oaths of the nature of ordeals.

swearing by water of the Ganges, copper, and toolsy, and offer to take any other form of oath, which on inquiry may be found legal and binding on the conscience of such party or witness, and which it may be practicable and convenient to administer to him, he shall be sworn accordingly. Provided, that nothing herein shall be construed to authorize the administering of such *oaths*, described in the Hindoo laws, as are of the nature of ordeals, and rest the proof of facts, or the credibility of evidence, on the immediate or future contingency of evil to the person sworn, his family or property.

Seventh. [Courts to be cautious in admitting declarations instead of oaths.]—*Superseded by Act V.* 1840.

Nizamut Adawlut not to take cognizance of crimes committed previous to the 10th November, 1801.

Crimes committed subsequent to that period and the promulgation of this Regulation how to be tried.

XXVI. Nothing contained in this Regulation shall be construed to empower the Court of Nizamut Adawlut to take cognizance of crimes or offences committed previous to the tenth day of November, 1801, the date of the cession of the provinces to the Honourable the English East-India Company; and all crimes and offences committed subsequent to the said date, and antecedent to the date of the promulgation of this Regulation, shall be tried by the laws and Regulations which were in force during that period.

Reg. IX. 1803.

A.D. 1803. REGULATION IX.*

A REGULATION *for empowering the Judges of the Zillah Courts, the Magistrates, the Judges of the Provincial Court of Appeal, and the Judges of the Court of Circuit, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, to propose Regulations regarding Matters coming within their Cognizance, respectively:* PASSED *by the Governor-General in Council, on the 24th March,* 1803.

* This Regulation, which is taken from Regulation XX. 1793, has ceased to have effect since the passing of the Statute 3 & 4 Wm. IV. cap 85.—See Sections 52, 53, and 54, which devolve on the Indian Law Commission the duties provided for in this Regulation.

Reg. X. 1803.

A.D. 1803. REGULATION X.

A REGULATION *for the Appointment of Vakeels or Native Pleaders in the Courts of Civil Judicature, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Rescinded by Section II. Regulation XXVII. 1814.]

A.D. 1803. REGULATION XI.*

Reg. XI. 1803.

A REGULATION *for the Appointment of the Hindoo and Mahomedan Law Officers of the Civil and Criminal Courts of Judicature, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

* This Regulation is identical with Regulation XII. 1793, excepting that in the references the Oude enactments are substituted for the corresponding rules of the Lower Provinces' code—viz.: "Reg. VII. 1803," for "Reg. IX. 1793."—"Sec. xii. Reg. XII. 1803," for "Sec. ix. Reg. XIII. 1793."—"Sec. xii. Reg. IV. 1803," for "Sec. xii. Reg. V. 1793;"—and "Sec. xi. Reg. V. 1803," for "Sec. x. Reg. VI. 1793." The last sentence of Reg. XII. 1793,—"The Governor-General in Council will either appoint," &c. is omitted in Reg. XI. 1803.

The provisions of this Regulation, as far as they relate to the Sudder Dewanny and Nizamut Adawlut, are subject to the modifications introduced by the establishment of a Sudder Court for North-Western Provinces.

A.D. 1803. REGULATION XII.

Reg. XII. 1803.

COMPARATIVE TABLE.

I. to V.	———	Secs.	I. to V. Regulation XIII. 1793.	
VI. to X.	Superseded.		*III. to V. Reg. VIII.* 1794. / *III. Reg. XXXVI.* 1795.	Superseded.
XI.	———		VIII. Regulation XIII. 1793.	
XII. 1 to 8.	———	Cls. 1 to 8,	Sec. IX. „	
9, 10, 11.	Superseded.	9, 10, 11,	*Sec. IX.* „	Rescinded.
12.	———	Cl. 12,	*Sec. IX.* „	
XIII. XIV.	———	Secs.	X. XI. „	
XV.	———		V. Regulation IV. 1796.	
XVI.	———		VII. Regulation XIII. 1793.	
XVII. XVIII.	———		II. and III. Regulation XIII. 1797.	
XIX.	Rescinded.			
XX. XXI.	Superseded.		*VIII. IX. & XI. Reg. VIII.* 1794.—Superseded.	

The whole of Reg. XIII. 1793, excepting part of Sec. vii. is re-enacted in the Regulation.

A REGULATION *for the Appointment of the Ministerial Officers of the Civil and Criminal Courts of Judicature in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. to V. [*Same as Sections I. to V. Regulation XIII.* 1793.]

VI. to X. [Trial of suits by the registers.]—*Superseded by Section XXIX. Regulation V.* 1831, *and the abolition of the office of zillah register.*

XI. [*Same as Section VIII. Regulation XIII.* 1793.]

XII. *First to Eighth.* [*Same as Clauses First to Eighth, Section IX. Regulation XIII.* 1793.]

Ninth, Tenth, Eleventh. [Judgment, process, appeal to the Sudder Adawlut.]—*Rescinded by Section III. Regulation X.* 1806, *and Section I. Act XXVI.* 1839.

Twelfth. [*Same as Clause Twelfth, Section IX. Regulation XIII.* 1793.]

XIII. XIV. [*Same as Sections X. and XI. Regulation XIII.* 1793.]

XV. [*Same as Section V. Regulation IV.* 1796, *substituting* "Section XIII. Regulation II. 1803," *for* "Section III. of this Regulation."]

XVI. [*Same as the unrescinded part of Section VII. Regulation XIII.* 1793, *substituting* "the Regulations in that respect established" *for* "any Regulation passed on the 1st May, 1793," *&c.*]

XVII. XVIII. [*Same as Sections II. and III. Regulation XIII.* 1797, *substituting* "the established Regulations" *for the Regulations cited, and omitting the last sentence,* "under the provisions," *&c.*]

XIX. [Reference of appeals to registers.]—*Rescinded by Clause Fourth, Section XVI. Regulation VIII.* 1805.

XX. XXI. [Process and pleadings in suits before registers—judges may try the suits themselves.]—*Superseded by Section XXIX. Regulation V.* 1831, *and the abolition of the office of zillah register.*

A.D. 1803. REGULATION XIII.*

A REGULATION *for preserving complete the Records of the Civil and Criminal Courts of Judicature, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and for requiring the Zillah Courts in the said Provinces to transmit Monthly Reports of the Suits decided by them to the Provincial Court of Appeal; and for requiring the Provincial Court of Appeal to submit Monthly Reports of the Appeals and Causes decided by them to the Sudder Dewanny Adawlut; and for enabling the Sudder Dewanny Adawlut to judge of the Progress made by the Zillah and Provincial Courts, in the said Provinces, in the Determination of Causes:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. II. III. [*Same as Sections I. II. and III. Regulation XVIII.* 1793.]

IV. [*Same as Section IV. Regulation XVIII.* 1793, *substituting* "the Persian and Hindustani language" *for the languages there designated, and omitting the last paragraph,* "The existing records," *&c.*]

V. to VIII. [*Same as Sections V. to VIII. Regulation XVIII.* 1793.]

IX. [*Same as Section IX. Regulation XVIII.* 1793, *substituting* "the Persian or Hindustani language" *for the languages there designated.*]

X. to XVI. [Forms of registers and reports.]—*Rescinded by Section II. Regulation VII.* 1829.

XVII. [Record of suits before and appeals from registers.]—*Superseded by Section XXIX. Regulation V.* 1831, *and the abolition of the office of register.*

XVIII. to XXIII. [*Same as Sections II. to VII. Regulation XXXVII.* 1795. *The whole of Regulation XXXVII.* 1795, *was rescinded by Section II. Regulation VII.* 1829, *and the adaptation of its provisions to Oude, although not specifically rescinded by that section, may be considered as included in the general rescission therein contained.*]

* Reg. XVIII. 1793 (excepting Secs. x. and xiv. previously rescinded), and Reg. XXXVII. 1795, are re-enacted in this Regulation.

Reg. XIV. 1803.

A.D. 1803. REGULATION XIV.

A REGULATION *for admitting Persons of certain Descriptions to sue in the Courts of Civil Judicature as Paupers, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Rescinded by Section II. Regulation XXVIII. 1814.]

Reg. XV. 1803.

A.D. 1803. REGULATION XV.

A REGULATION *for providing for Differences of Opinion between the Judges of the Provincial Court of Appeal and Court of Circuit, established in Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and prescribing Rules regarding other Matters connected with their official Situation:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Superseded by the abolition of those courts under the operation of Section XXVII. Regulation V. 1831, Regulation I. 1829, and Act VII. 1835.]

Reg. XVI. 1803

A.D. 1803. REGULATION XVI.

A REGULATION *for granting Commissions to Natives to hear and decide Civil Suits for Sums of Money or personal Property of a Value not exceeding Fifty Sicca Rupees; for authorizing the Appointment of Head Native Commissioners for the Trial of referred Causes, to the Amount or Value of One Hundred Sicca Rupees; and prescribing Rules for the Trial of the Suits, and enforcing the Decisions which may be passed upon them, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Rescinded by Section II. Regulation XXIII. 1814.]

A.D. 1803. REGULATION XVII.*

Reg. XVII. 1803.

A REGULATION *for establishing a Registry for Wills and Deeds for the Transfer or Mortgage of real Property in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. [*Same as Section I. Regulation XXXVI.* 1793.]

II. [*Same as Section II. Regulation XXXVI.* 1793, *substituting in the oath* "the established Regulations" *for* "this Regulation, or by any Regulation," *&c. &c.*]

III. [*Same as Section III. Regulation XXXVI.* 1793.]

IV. V. VI. [*Same as Sections IV. V. and VI. Regulation XXXVI.* 1793, *substituting* "the period fixed for the operation of this Regulation" *for* "1st January, 1796."]

VII. to XV. [*Same as Sections VII. to XV. Regulation XXXVI.* 1793.]

Regulation when to be in force. [*XXXVII.* 1793.

XVI. The operation of this Regulation shall not commence until the period of three years shall have elapsed from the date of its being passed; and the judges of the several zillahs are to transmit a copy of the Persian translate of it to every cauzy in their jurisdiction.

* The whole of Reg. XXXVI. 1793, is re-enacted in this Regulation.

A.D. 1803. REGULATION XVIII.*

Reg. XVIII. 1803.

A REGULATION *for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William, and the Civil Covenanted Servants of the Company, and their Military Officers) from residing in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, without the Permission of the Governor-General in Council, and without rendering themselves amenable to the Courts of Adawlut in Civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section IV. Regulation II.* 1803; *and for enabling British Subjects to recover any Demands recoverable under the Regulations which they may have upon such Persons:* PASSED *by the Governor-General in Council, on the 24th March,* 1803.

* This Regulation is superseded by Act XI. 1836, and Sec. vii. Act VI. 1843, which render all persons amenable, without reference to birth or descent, to the Courts of Sudder Dewanny Adawlut, of the zillah judges, principal sudder ameens, sudder ameens, and moonsifs.

The right of natural-born British subjects to reside in India is regulated by the 3 & 4 Wm. IV. cap. 85, Secs. 81 to 84.

Reg. XIX 1803.

A.D. 1803. REGULATION XIX.*

A REGULATION *for prohibiting Covenanted Civil Servants of the Company employed in the Administration of Justice or the Collection of the public Revenue in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, from lending Money to Zemindars, independent Talookdars, or other Proprietors of Land, or dependent Talookdars or Farmers of Land holding Farms immediately of Government, or the Under-Farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for prohibiting Europeans, of any Description, holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands in the said Provinces for erecting Houses or Buildings for carrying on Manufactures or other Purposes, without the Sanction of the Governor-General in Council:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. FROM a regard to the prejudices of the natives, and with a view to promote their ease and happiness, and to obviate the evils that would necessarily result from allowing any persons not amenable to the Provincial Court of Judicature, in common with the natives, to purchase or rent estates without restriction or limitation, or to hold any land whatever, excepting for the erection of dwelling-houses, or buildings for manufactures or other commercial purposes, the Governor-General in Council has been pleased to enact the following rules.

II. [*Same as Section II. Regulation XXXVIII.* 1793, *omitting the words* "as have been made in opposition to the repeated prohibitions of Government, or which may be hereafter made."]

III. to VI. [*Same as Sections III. to VI. Regulation XXXVIII.* 1793, *substituting* "in the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company" *for* "out of the limits of the town of Calcutta."]

* The whole of Reg. XXXVIII. 1793, is re-enacted in this Regulation.

A.D. 1803. REGULATION XX.

Reg. XX. 1803.

A REGULATION *for the Trial of Persons charged with Crimes against the State, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council on the 24th of March,* 1803.

[*Same as Regulation IV.* 1799, *omitting the words* "or the Executive Government for the time being" *in Sections II. IV. and V.*]

A.D. 1803. REGULATION XXI.

Reg. XXI. 1803.

A REGULATION *for referring Suits to Arbitration, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. THE Governor-General in Council being desirous to promote the reference of disputes of certain descriptions to arbitration, and to encourage people of credit and character to act as arbitrators, the following rules have been enacted.

II. to IX. [*Same as Sections II. to IX. Regulation XVI.* 1793—*being the whole of that Regulation with the exceptions of the Preamble and Section X.*]

A.D. 1803. REGULATION XXII.

XXII. 1803.

A REGULATION *for the Guidance of the Courts of Justice established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, in Cases of Difference of Opinion on the Meaning and Construction of the Regulations:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. WHEREAS doubts may arise as to the duty of the zillah judges and magistrates, in cases where they may construe the general rules prescribed by Government in a different sense from the construction given thereto by the judges of the Provincial Court of Appeal and Court of Circuit; and it being of consequence, to prevent delay in the administration of

justice, that a clear rule of conduct should be established to provide for such cases, the Governor-General in Council has therefore enacted the following rules.

II. III. IV. [*Same as Sections II. III. and IV. Regulation X.* 1796, *being the whole of that Regulation with the exception of the Preamble.*]

Reg. XXIII. 1803.

A.D. 1803. REGULATION XXIII.*

A REGULATION *for establishing in each Zillah, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, an Office for keeping the Records in the Native Languages which relate to the public Revenue, and prescribing Rules for the Conduct of the Keepers of the Records:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. IT being essential to the future security of the dues of Government and of the rights and property of individuals, that all accounts and papers regarding the assessment, the allotment of the revenue on the shares of estates that may be divided, as well as all other documents in any respect relating to the public demand upon the lands, should be carefully preserved; and the Governor-General in Council deeming it reasonable that the individuals, whose rights and property may derive additional security from this institution, should contribute towards defraying the expense attending it, the following rules have been accordingly enacted.

II. to VII. [*Same as Sections II. to VII. Regulation XXI.* 1793.]

VIII. [*Same as Section VIII. Regulation XXI.* 1793, *substituting* "published by order of Government" *for* "printed and published in the manner specified in Regulation XLI. 1793."]

IX. to XVI. [*Same as Sections II. to IX. Regulation XV.* 1797.]

* The whole of Regs. XXI. 1793, and XV. 1797, are re-enacted in this Regulation.

A.D. 1803. REGULATION XXIV.*

Reg XXIV. 1803.

[ADAPTATION OF REGULATION XXIV. 1793, AND XXXIV. 1795.]

A REGULATION *for trying the Validity of Titles of Persons receiving, or claiming a right to receive Pensions, under the Denominations of Saleanah, Rozenah, or any other Description of Grant, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the* 24*th of March*, 1803.

I. THE following rules are prescribed for determining the continuance or discontinuance of the pensions payable in ready money, from the treasuries in the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.

Pensions to be considered as property. [*XXXIV.* 1795, *ii.*]

II. Pensions which may have been granted by the late Government, either wholly or in part, as indemnifications for altumgah, ayma, or other lands (held by sunnuds conferring a right in perpetuity) resumed by such Government, shall not be liable to resumption on the death of the persons who now receive them, notwithstanding that such resumption made part of the original order issued for the confirmation of them; but are to be regarded as property, and are to descend to the heirs of the present and future receivers, and are declared liable to be sued for, and inherited in the same manner as other property.

Certain pensions to determine on the demise of the party.

III. Pensions which may have been, in like manner, granted as an indemnification for lands resumed by the late Government, held only under a life tenure, shall be continued during the lifetime of the persons who were in receipt of them at the time of the cession, whether they be the original grantees or their heirs.

Allowances for khelats to be granted to the cauzy and mufty. [*XXXIV.* 1795, *v.*]

IV. The cauzies and mufties of the principal cities having always received khelats or shawls at the two Eeds or Mahomedan festivals, the expense thereof is to be defrayed by the judge and magistrate in the usual manner, and at the customary rate.

Pensions to be continued during the lives of the persons who receive them at the time of the cession, whether the original grantees or not.

V. *First.* Pensions which may have been granted by the late Government to the indigent, aged, or helpless, under tusheeas, or certificates, specifying that such pensions were to cease on the demise of the holders, shall be continued to the persons who received them at the period of the cession, during their respective lives, whether they be the original grantees

* It is enacted by Sec. ii. Reg. XXII. 1806, that collectors shall submit their proceedings on all claims to pensions for the decision of the Board of Revenue; and by Sec. ii. Reg. XI. 1813, that no pensions shall be paid after the 1st October, 1813, unless the claimants prove their right to the same before the Revenue authorities.

or not; and notwithstanding that such pensions may have been granted by the aumils, provided they were regularly charged in the aumils' accounts, and admitted, or not struck off, by the late Government, they shall, in like manner, be continued to the present receivers, should it appear that they have been in the uninterrupted receipt thereof during a period of three years prior to the cession, or for such other period of time as, from the circumstances of the case and the situation and condition of the claimants, may reasonably constitute a prescriptive right to the continuance of the pension.

Claims to pensions not paid for three years antecedent to the cession, to be submitted to the Board of Revenue.

Secqnd. Where a claim may be preferred to a pension which shall not have been paid to the claimant for a period of three years antecedent to the cession, and the collector may be of opinion that the claim is of such a nature as to merit the consideration of Government, he shall submit the proceedings on the subject of such claim to the Board of Revenue for the orders of the Governor-General in Council, whatever may be the amount of the claim.

See Sec. vii. Reg. XXII. 1806.

Pensions granted for religious purposes to be continued.

VI. Pensions granted to fakeers and other religious persons, for the purpose of lighting mausoleums or mosques, or for that of repairing them, as also to enable them to perform their religious ceremonies usual in the Mohurrum, shall be continued; but pensions of this description are not to be considered as of a personal nature, and the collector shall be responsible for their being applied to the purposes for which they were bestowed.

Prescriptive right to be sufficient proof where written documents cannot be produced.

VII. Where written tusheeas, certificates, or other deeds, cannot be produced, the prescriptive right arising from long receipt shall entitle the claimant to a continuance of the pension.

In what manner the sum to be paid the pensioners is to be ascertained and fixed.

VIII. In fixing the sum to be paid to the pensioners, the collector is not to be guided by the amount that may be stated in their respective certificates, but by the amount as may appear from the pergunnah or zillah accounts they were in the habit of receiving; provided such sum does not exceed that stipulated in the certificate, which shall in such case become the standard.

Pensions how issuable.

IX. All pensions are to be issued from the zillah treasuries, and are on no account to be deducted in the pergunnah from any particular article of revenue arising to Government.

For what future or renewed pensions the collector is to grant certificates.
[*XXIV.* 1793, *x.*]

X. For every pension which may be hereafter granted by the Governor-General in Council, or that may be renewed on the demise of a pensioner, and which may be issuable from the before-mentioned treasuries in the ceded countries, the collector shall deliver to the party by whom the pension is to be received a certificate, stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and the date of the grant.

Registers of pensions to be kept.
[*XXIV.* 1793, *xvi.*]

XI. The collector is to keep a separate list of all pensions paid under this Regulation, and is to number and register the certificates or other sunnuds, and vouchers under which they are held, in a register, in the

English and Persian languages, to be kept for this purpose; and he is to be careful to note therein such personal identifications of the parties receiving the pensions, as may detect any future attempt to transfer them to others.

Pensions to be paid half-yearly. [*XXIV.* 1793, *xiii.*]

XII. The annual amount of pensions shall be paid in two equal payments, viz. at the khurreef and rubby harvests.

Rule for the payment of pensions exceeding one hundred *sicca* rupees per annum by the collector. [*XXIV.* 1793, *xiv.*]

See Secs. iv. and v. Reg. XI. 1813.

XIII. All persons receiving pensions exceeding one hundred *sicca* rupees per annum are to attend the collector in person at the stated periods, to receive the amount of their respective pensions, and the collector is prohibited from issuing any pensions excepting to the parties personally; unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collector, on being satisfied of the inability of the parties, whether from age, sex, or distance of abode, to attend in person, is permitted to issue their pension to their authorized vakeels; but he is to take due precautions to prevent impositions after the death of the pensioners, and in the event of any pension not being claimed within six months after it may become payable, he is to ascertain whether the party who received it be deceased, and report accordingly.

XIV. and XV. [How the pensions are to be paid.]—*Rescinded by Clause First, Section V. Regulation XI.* 1813.

Claim to the continuance of pensions not subject to judicial cognizance except such as are granted under Sec. ii.

See Sec. ix. Reg. XXII. 1806.

XVI. The continuance or discontinuance of all pensions, except those set forth in Section II. of this Regulation, shall, after the death of the persons who now receive them, depend solely on the pleasure of Government, and shall not be subject to cognizance or determination in any court of justice. It shall be the duty of the collector to see that all just and authorized pensions are duly paid; and where any person may deem himself aggrieved by the act of the collector in respect to a pension, it shall be competent to him to sue for redress in the Civil Court of the district.

Collectors to decide on pensions as high as one hundred rupees per annum. [*XXIV.* 1793, *v.*]

Modified by Secs. ii. and vii. Reg. XXII. 1806.

XVII. The collector, under the rules above laid down, or such as may be hereafter prescribed, is authorized to decide on the claims preferred to him, to the amount of one hundred *sicca* rupees per annum, but no further; subject to an appeal, within one month from the date of the decision, to the Board of Revenue: *and to a further appeal from their decision, within the same period to the Governor-General in Council.*

Collectors to keep separate proceedings, and submit a monthly abstract to the Board of Revenue. [*XXIV.* 1793, *vi.*]

XVIII. The collectors are to keep separate proceedings on the subject of the pensions to which this Regulation relates, and submit a monthly abstract of them to the Board of Revenue.

To submit proceedings on pensions exceeding one hundred *sicca* rupees per annum, with opinion, to the Board of Revenue, for the orders of the Governor-General in Council. [*XXIV.* 1793, *vii.*]

Modified by Secs. ii. and vii. Reg. XXII. 1806.

XIX. The collectors are to transmit their proceedings on all claims to pensions exceeding one hundred *sicca* rupees per annum, including their opinion on each case, to the Board of Revenue, who are to submit the proceedings, with their sentiments on the several claims, for the order of the Governor-General in Council.

Reg XXV. 1803

A.D. 1803. REGULATION XXV.

COMPARATIVE TABLE.

I.*	———	Sec. I. Regulation II. 1793.
II. III. IV.*	———	III. IV. V. „
V.	———	VI. „
VI. VII. VIII.*	———	VII. VIII. IX. „
IX. X. XI.	———	X. XI. XII. „
XII. XIII.*	———	XIII. XIV. „
XIV. XV.	———	XV. XVI. „
XVI.*	———	XVII. „
XVII.	———	XVIII. „
XVIII.	Superseded.	*XIX.* „
XIX. to XXVI.	———	XX. to XXVII. „
XXVII.	Rescinded.	*XXVIII.* „
XXVIII. to XXXII.*		
XXXIII.*	———	V. Regulation I. 1793
XXXIV. to XXXVIII.*	———	VII. to IX. „
XXXIX.	———	

A REGULATION *prescribing Rules for the Conduct of the Board of Revenue and the Collectors; and for declaring the proprietary Right in the Lands, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, to be vested in the Zemindars and other Landholders, under the Terms and conditions of the Settlement of the Land Revenue formed by the Honourable the late Lieutenant-Governor and the Board of Commissioners, pursuant to the authority vested in them by His Excellency the Most Noble the Governor-General:* PASSED *by the Governor-General in Council, on the 24th March,* 1803.

I. WHEREAS it is necessary that rules should be prescribed for the guidance of the collectors and the Board of Revenue, in the collection, management, and control of the public revenue, in the provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier: And whereas it is essential to the security of the rights and interests of the zemindars and other landholders in the said provinces, that the right of property possessed by them in their respective estates, under the terms and conditions of the settlement of the land revenue, contained in the proclamation issued by the Honourable the late Lieutenant-Governor and the Board of Commissioners, under date the 14th of July, 1802, pursuant to the authority vested in them by his Excellency the Most Noble the Governor-General, should be publicly acknowledged and declared, and also that rules should be prescribed for the transfer or division of estates in the said provinces, and for apportioning the jumma on the several shares of estates which may be divided, or on portions of estates which shall be transferred; the following Regulation has been enacted.

Collection of the land revenue to be committed to covenanted

II. The collection of the revenue payable to Government from the estates in each zillah shall be committed to a civil covenanted servant of

the Company, who shall be styled "Collector of the Revenue" of the zillah to which he shall be appointed. Previously to entering upon the execution of the duties of his office, he shall take the oath prescribed by Act of Parliament for servants of the Company employed in the management or collection of the revenue, before one of the judges of the Supreme Court of Judicature, or before such other person as the Governor-General in Council shall authorize to administer the same.

See Secs. xxv. and xxvi. Reg. V. 1804; and Act XXI. 1837.

Civil servants of the Company.

Oath to be taken by the collectors.

[*II.* 1793, *iii.*]

III. The collectors shall correspond with the Board of Revenue, and shall conform to all instructions with which they have been or shall be furnished by that Board, and which shall not be contrary to this or any other Regulation published in the manner directed in Regulation I. 1803.

Collectors to correspond with, and to obey all orders from the Board of Revenue.

[*Ib. iv.*]

IV. The collectors of the several zillahs shall use a circular seal, one inch and a half in diameter, bearing an inscription thereon to the following effect, in the Persian character and language, and in the Hindostanee language and Nageree character: "The seal of the collector of the zillah of ———."

Seal to be used by the collectors.

[*Ib. v.*]

V. [*Same as Section VI. Regulation II.* 1793, *substituting* "Hindostanee" *for* "Bengal."

VI. The duties prescribed in the following section shall be performed by the collectors, under the superintendence of the Board of Revenue.

Duties to be performed by the collectors under the superintendence of the Board of Revenue.

[*Ib. vii.*]

VII. *First.* To collect the amount of the revenue assessed upon the lands of the zemindars, independent talookdars, or other actual proprietors of land, with or on behalf of whom a settlement has been or shall be concluded.

To collect the public dues from proprietors,

[*Ib. viii.*]

Second. To collect the stipulated annual revenue from the farmers of estates let in farm.

and farmers of land,

Third. To levy the rents and revenue from estates held khas or amauny.

and from lands held khas or amauny.

Fourth. To make the future settlement of khas, or of farmed estates, agreeably to the Regulations and the instructions which they shall receive for that purpose.

To make the future settlement of khas or farmed lands.

Fifth. To prosecute for the recovery of the dues of Government from lands, of whatever description, held exempt from the payment of revenue under illegal or invalid tenures.

To prosecute for the public dues from lands illegally exempt from the payment of revenue.

Sixth. To pay the pensions and allowances included in, or chargeable on, the public revenue, and all other pensions and compensations, which shall be granted or confirmed under Regulation XXIV. 1803.

To pay pensions and allowances chargeable on the public revenue.

Seventh. To execute the instructions which shall be issued to them by the Court of Wards, regarding disqualified landholders and their estates.

To execute the instructions of the Court of Wards.

Eighth. To superintend the division of landed property paying revenue to Government, which shall be ordered to be divided into two or more distinct estates.

To superintend the division of estates.

See Sec. vi. Act IV. 1846.

Ninth. To apportion the public revenue on lands ordered to be disposed of at public sale for the discharge of arrears of revenue or in satisfaction of the decrees of the Court of Judicature.

To apportion the public revenue on lands disposed of at public sale.

Tenth. To collect the tax on spirituous liquors and intoxicating drugs

To collect the tax on

spirituous liquors and intoxicating drugs, and the duties levied on bazars and gunges.

or articles, *and the duties levied in bazars and gunges, under Regulation XXXVIII.* 1803.

See Act XIV 1836.

To procure lands for the native invalid soldiers.

Eleventh. To obtain lands for the native invalid soldiers, to whom a provision in land shall be assigned on being discharged from the service, or otherwise.

Superseded by Reg. II. 1811.

To perform the above and all other duties agreeably to the Regulations.

Twelfth. To perform the above, and all other duties, according to the rules which have been or shall be prescribed to them by any Regulation published in the manner directed in Regulation I. 1803.

To furnish the required annual and other accounts.

Thirteenth. To transmit such annual, monthly, or other accounts, as they now furnish, or shall be hereafter required to send, by the Board of Revenue, or any officer under that Board empowered to require such accounts.

To conform to all special orders from the Board of Revenue or public officers.

Fourteenth. To conform to all special orders which have been or shall be issued to them by the Board of Revenue, or by public officers empowered to issue such orders.

Dewan and native officers to obey the orders of the collector.

Not to perform any official act without his sanction.

Penalty.

[*II.* 1793, *ix.*]

VIII. The [*dewan* and all other*] native officers under the collector shall act agreeably to his orders and to such rules as he shall prescribe. Those officers shall not perform any act of authority without the sanction or authority of the collector, under pain of being fined in a sum not exceeding six months' salary, or of being dismissed from their offices by a competent authority, and also of being sued in the Court of Judicature for damages by any person who shall consider himself to be aggrieved by such unauthorized act.

IX. [*Same as Section X. Regulation II.* 1793.]

X. [*Same as Section XI. Regulation II.* 1793, *substituting* "the approbation of the Governor-General in Council" *for* "their (i. e. Board of Revenue's) approbation."]

XI. [*Same as Section XII. Regulation II.* 1793.]

Collectors not to employ in public matters any but public and registered officers.

[*II.* 1793, *xiii.*]

XII. The collectors are prohibited from employing any persons, excepting public and registered officers, in matters in any respect relating to their official duty; and shall not, under any plea or pretext, confer on their public officers any private trust relating to their personal concerns.

See Reg. XXI 1814.

The senior assistant to officiate in the absence of the collector.

[*II.* 1793, *xiv.*]

XIII. In the event of the death or removal of a collector, or of his absence from his station, and when no other person shall have been appointed thereto, the senior assistant on the spot shall perform the duties of collector, [*and the dewan*] and the public officers of the collectorship shall accordingly obey his orders.

XIV. and XV. [*Same as Sections XV. and XVI. Regulation II.* 1793.]

Collectors not to give lands in farm to Europeans, or to accept their security for tehseeldars, zemindars, &c.

[*II.* 1793, *xvii.*]

XVI. No collector shall, directly or indirectly, [*give land in farm to a European, or*] accept the security of a European, for any tehseeldar, zemindar, farmer, dependent talookdar, or ryot.

Rescinded by Act IV. 1837.

* The office of dewan was abolished by Reg. XV. 1813.

XVII. [*Same as Section XVIII. Regulation II.* 1793, *substituting* "subject to the immediate government of the presidency of Fort William" *for* "in Bengal."

XVIII. [Dewans prohibited from lending money]—*Superseded by Regulation XV.* 1813.

XIX. [*Same as Section XX. Regulation II.* 1793.]

XX. [*Same as Section XXI. Regulation II.* 1793, *stopping at* "circumscribed."]

XXI. to XXVI. [*Same as Sections XXII. to XXVII. Regulation II.* 1793.]

XXVII. [Collectors to attend to all references made by the Board of Revenue.]—*Rescinded by Section II. Regulation III.* 1822.

See Reg X 1831

Board of Revenue to superintend the conduct of the collectors.

XXVIII. The superintendence of the settlement and collection of the public revenue payable from the lands, and of all other duties committed to the collectors, is vested in the Board of Revenue.

Substance of the proclamation issued by the late Lieutenant-Governor and Board of Commissioners, under date the 14th July, 1802, respecting the settlement of the land revenue of the ceded provinces.

the terms of the proclamation confirmed, with certain additions and explanations.

XXIX. The following proclamation, relative to the settlement of the land revenue in the provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier, was published on the 14th day of July, 1802, corresponding with the 29th Assaur of the Fussily year 1209, by the Honourable the late Lieutenant-Governor and the Board of Commissioners, in virtue of the powers vested in them by his Excellency the Most Noble the Governor-General; and the several articles contained in it are hereby confirmed and declared to be in force, with the subsequent additions and explanations contained in Sections XXX. XXXI. and XXXII. of this Regulation; and in Section LIII. Regulation XXVII. 1803, which comprises the substance of the proclamation issued by the late Lieutenant-Governor and Board of Commissioners, on the date above mentioned; with further provision, since made, for the settlement of the land revenue in the ceded provinces, under the extension of the authority of the Board of Revenue to the said provinces.

See Sec III. Reg. V 1808.

"PROCLAMATION.

Proclamation issued by the late Lieutenant Governor and Board of Commissioners, under date the 14th July, 1802, respecting the settlement of the land revenue in the ceded provinces.

"Whereas it is the intention of the British Government to adopt, at the expiration of the present Fussily year, such a plan for the settlement of the landed revenue of the ceded provinces as may be most conducive to the prosperity of the country and to the happiness of the inhabitants; and whereas it is of the utmost consequence to the success of the measure, as well as to the interests of the zemindars, talookdars, and all others concerned, that the nature and terms thereof should be made known as early as possible, NOTICE IS HEREBY GIVEN:

"*First.* At the commencement of the Fussily year 1210, the sayer of every denomination will be separated from the mâl, or land revenue, and a settlement for the latter only concluded, in all practicable cases, with the zemindars or other actual proprietors of the soil (unless when disqualified by notoriously bad character, or other good and sufficient cause), for a

period of three years, at a fixed, equal, annual jumma; it being understood that such zemindars as are huzzoor tehseel, or allowed to pay their kists immediately to the collector of the zillah, are to be responsible for the police of their respective zemindaries.

"*Secondly.* [*At the expiration of the three years another settlement will again be made with the same persons (if willing to engage) for three years, at a fixed, equal, annual jumma; which jumma shall be formed by taking the difference between the annual amount of the first lease and the actual yearly produce of the land at the time of its expiration, and adding two-thirds of such difference to the annual rent of the first lease.*] Rescinded by Sec. ii. Reg. V. 1805.

"*Thirdly.* At the expiration of the sixth year a new settlement will be made with the same persons (if willing to engage) for a further period of four years, at a fixed, equal, annual jumma, formed by adding to the annual rent of the second three years, three-fourths of the net increase of revenue during any one year of that period.

"*Fourthly.* At the end of these ten years a permanent settlement will be concluded with the same persons (if willing to engage, and if no others who have a better claim shall come forward), for such lands as may be in a sufficiently improved state of cultivation to warrant the measure, on such terms as Government shall deem fair and equitable. See Reg. IX. 1812.

"*Fifthly.* Those zemindars who may decline entering into engagements for their estates, as also those whose offers may be rejected by Government, shall, for the present, continue to be allowed the same nankar which they have hitherto received from the Nawaub Vizier. See Sec. v. Reg. VII. 1822; and Sec. xi. Reg. IX. 1833.

"*Sixthly.* With respect to such zemindaries as may have been mortgaged or transferred on security, and possession thereof actually given to the mortgagers or sureties, the settlement will be made with the person in possession of the land, as the temporary representative of the proprietor, leaving the latter to obtain possession, either by a private settlement of accounts or by a judicial process.

"*Seventhly.* The settlement of such small talooks or estates as may be only nominally included in large zemindaries, in the sudder jumma of which their jumma may be comprehended, will be made, separately and distinctly, with the proprietors of such small estates, and they will be allowed to pay their revenue directly to the tehseeldars on the part of Government.

"*Eighthly.* With respect to such lands as are without proprietors, or the proprietors of which decline entering into engagements, a village settlement shall be made for three years, at a fixed, equal, annual jumma, and a preference will be given to the muckuddums, purdhauns, or respectable ryots of the several villages.

"*Ninthly.* In the event of neither proprietors nor farmers being forthcoming, such lands as are in that predicament will be held khas.

"*Tenthly.* All authorized abwaubs are to be consolidated and incorporated with the land-rent, and expressed in the pottahs and cabooleats, and nothing but what is there expressed shall be collected from the ryots or under-renters.

"*Eleventhly.* All persons who may enter into engagements for the settlement, must bind themselves, by written obligations, to grant pottahs of the above description to their ryots and under-renters.

"*Twelfthly.* All persons who may enter into engagements with Govern-

ment, must previously give security for the fulfilment thereof, in an amount equal to one-fourth of their annual jumma."

The collectors authorized, under date the 28th August, 1802, to deviate from the rule prescribed in the first clause of the above proclamation in certain cases.

XXX. *First.* The several collectors in the ceded provinces were authorized by the Board of Commissioners, under date the 28th of August, 1802, to deviate from the rule prescribed in the first clause of the foregoing proclamation, and to conclude the settlement for the first lease of three years at a fair and equitable annual increase, instead of a fixed, equal, annual jumma, in instances in which, from calamity of season, the landholders might be unwilling to engage for their lands at such a jumma, for the first year of the lease, as Government would have been otherwise entitled to demand, with a reference to the probable resources and produce of the lands during the whole of the lease.

Substance of orders issued to the collectors, under date the 13th August, 1802, with respect to regulating the nankar of the zemindars.

Second. By an order of the Board of Commissioners, under date the 13th of August, 1802, the several collectors in the ceded provinces were further instructed, in concluding the settlement of their respective zillahs for the first lease of three years, to regulate the allowance of nankar to such of the zemindars as might engage for their lands, by deducting the amount of the nankar from the jumma, and taking engagements from the zemindars for the net residue, provided that the deduction for nankar should not exceed ten per cent. on the net jumma.

Orders of the Board of the Commissioners in modification of the fifth clause of the proclamation, respecting nankar to zemindars not engaging for their estates, in no instance to exceed ten per cent. on the jumma.

See Sec. v. Reg. VII. 1822; and Sec. xi. Reg. IX. 1833.

Third. In modification of the fifth clause of the proclamation issued under date the 14th of July, 1802, whereby it was declared that the zemindars who might decline entering into engagements for their estates, as also zemindars whose offers might be rejected by Government, should for the present continue to be allowed the same nankar which they had heretofore received under the government of the Nawaub Vizier, it was subsequently determined by the Board of Commissioners, that the rate of allowance for nankar should not, in either of the cases stated, exceed ten per cent. on the jumma of the estate.

Explanation of the second and third clauses of the proclamation, as well as of Cl. 2 of Sec. liii. Reg. XXVII. 1803, with respect to the rule to be adopted in adding to the jumma a portion of the increased produce, in concluding the future settlements.

See Sec. v. Reg. VII. 1822; and Sec. xi. Reg. IX. 1833.

XXXI. With the view of obviating any misconstruction of the rule to be adopted in adding to the jumma a portion of the increased produce, in concluding the settlements to be formed at the commencement of the Fussily years 1213 and 1217; it is hereby declared, in explanation of the second and third clauses of the proclamation issued on the 14th of July, 1802, as well as of Clause Second of Section LIII. Regulation XXVII. 1803, that the amount of the nankar to which the zemindars were entitled under their original engagements for the first triennial settlement, shall be deducted from the actual yearly produce of their estates at the time of the expiration of each lease, and the actual increase of public revenue to be assessed agreeably to the clauses above specified, shall be calculated on the amount of the difference between the actual net produce after such deduction, and the annual amount of the former lease. It is at the same time provided, that the portion of the increased produce relinquished to the zemindars, under the above-mentioned clauses, on the formation of the successive settlements, shall be considered as precluding all claim, on the part of the zemindars, to any further proportion of such increased produce, on account of nankar, in addition to the deduction originally made and continued to them on this account.

Substance of orders issued by the Board of Commissioners, under date the 30th September, 1802, vesting a discretionary power in the landholders to grant small portions of land for the support of village watchmen exempt from the payment of rent.

Such lands resumable, on the death or removal of the persons to whom they may be granted;

and considered responsible for the revenue assessed upon the estates to which they may respectively appertain.

XXXII. In pursuance of an order issued by the Board of Commissioners under date the 30th of September, 1802, a discretion is vested in the landholders to grant small portions of land exempt from the payment of revenue, for the support of their village watchmen, whenever they shall prefer making such grants to paying the watchmen a pecuniary allowance. Such grants, however, shall be resumable on the death or removal of the persons to whom they may be made; and the lands thus exempted from the payment of rent, as well as any other lands held by public officers or private servants exempt from rent, in lieu of wages, and not forming part of any authorized lakheraje grants or tenures, within the provisions of Regulations XXXI. and XXXVI. 1803, shall be considered to form a component part of the malguzarry lands of the estates to which they may respectively appertain, for the revenue assessed upon which they will consequently be held responsible, in common with all other malguzarry lands included therein.

Proprietors of lands held khas or let in farm, will be restored to the management of the same on agreeing to the payment of the required assessment.

[*I.* 1793, *v.*]

See Sec. iii Reg. V. 1808.

XXXIII. The lands of some zemindars, independent talookdars, and other actual proprietors of land, having been held khas, or let in farm, in consequence of their refusing to pay the assessment required of them under the proclamation inserted in Section XXIX. of this Regulation, the Governor-General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, whose lands are held khas, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which shall be required of them, in conformity to the prescribed rules for the settlement of the land revenue; and the Governor-General in Council declares to the zemindars, independent talookdars, and other actual proprietors of land, whose lands have been let in farm, that they shall not regain possession of their lands before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease, and the Governor-General in Council shall approve of the transfer), but that, at the expiration of that period, upon their agreeing to the payment of the assessment which shall be required of them, they shall be reinstated, under the general regulations, in the management of their estates respectively.

Assessment in former times liable to variation at the discretion of the ruling power.

[*Ib. vii.*]

XXXIV. It is well known to the zemindars, talookdars, and other descriptions of landholders in the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, that from the earliest times until the present period the public assessment upon the lands has never been fixed; and that, according to established usage and custom, the rulers of those provinces, and their delegates, have exercised a discretionary authority in depriving them of the possession of their zemindaries, talooks, and other tenures, whereby their right of property therein has become precarious and of little value, whilst the lands, from being let in farm to strangers, or otherwise disposed of, have been impoverished, and the tenants and cultivators of the soil have been exposed to rapacity and oppression. With a view of promoting the interests of the landholders and to enhance the value of their estates, as well as to induce them to encourage their under-tenants and to extend cultivation, under the certainty that they will enjoy the fruits of their industry and good

Motives of the Governor-General in Council for abolishing this usage and providing for a permanent assessment

management, the Governor-General in Council has, by the rules contained in the preceding sections of this Regulation, and in Section LIII. Regulation XXVII. 1803, not only directed a settlement to be immediately made with the zemindars and other proprietors of land who shall be willing to engage for the revenue of their respective estates; but has also declared, that a permanent assessment shall be fixed, at the end of ten years, on such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity; and the Governor-General in Council further declares the proprietary rights of all zemindars, talookdars, and other descriptions of landholders possessing a right of property in the lands composing their zemindaries, talooks, or other tenures, to be confirmed and established, under the authority of the British Government, in conformity to the laws and usages of the country, and to the Regulations which have been, or shall be hereafter, enacted by the Governor-General in Council.

See Reg. IX. 1812.

[I. 1793, *xxx.*]

XXXV. To prevent any misconstruction of the declaration contained in the foregoing section, the Governor-General in Council deems it to be necessary to publish the following declarations to the zemindars, independent talookdars, and other actual proprietors of land.

Government to enact such Regulations as they may think necessary for the welfare of the dependent talookdars and cultivators, and proprietors not to withhold the revenue on that account.

First. It being the duty of the ruling power to protect all classes of people, and more particularly those who, from their situation, are most helpless, the Governor-General in Council will, whenever he shall deem it proper, enact such Regulations as he shall judge to be necessary, for the protection and welfare of the dependent talookdars, ryots, and other cultivators of the soil; and no zemindar, independent talookdar, or other actual proprietor of land, shall be entitled, on this account, to make any objection to the discharge of the assessment on their lands, which they have respectively agreed, or may hereafter agree, to pay.

All internal duties that may be hereafter established to belong exclusively to Government.

See Act XIV. 1836

Second. The Governor-General in Council having, by *Regulation XXXVIII.* 1803, abolished all the duties coming under the denomination of sayer, rahdary, zemindary, or any other denomination, levied on goods or merchandise of any description, with the exception of the established duties levied by Government in bazars and gunges; and it being provided by the first clause of the proclamation aforesaid, issued under date the 14th of July, 1802, as well as by Clause Thirteenth of Section LIII. Regulation XXVII. 1803, that all engagements for the land revenue entered into with Government shall be exclusive of sayer duties, and of all other collections not connected with the land revenue; the Governor-General in Council hereby declares, that if he should hereafter think it proper to establish any internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Jumma that may be assessed on alienated lands to belong exclusively to Government.

Third. The Governor-General in Council will impose such assessment as he shall deem equitable on all lands held exempt from the public revenue, which have been, or shall be proved to be so held under illegal or invalid titles. The assessment thus imposed will belong to Government, and no proprietor of land will be entitled to any part of it.

Police allowances in land or money resumable by Government, on

Fourth. The jumma of those zemindars, independent talookdars, and other actual proprietors of land, with whom a settlement shall have been

the proprietors being exonerated from the charge of keeping the peace.

made or shall be hereafter concluded, under the terms set forth in the aforesaid proclamation dated the 14th July, 1802, or in Section LIII. Regulation XXVII. 1803, shall be considered exclusive of any allowances which have been made to them in the adjustment of their jumma, for maintaining tannahs or police establishments, and also of the produce of any lands which they may have been permitted to appropriate for the same purpose; and the Governor-General in Council reserves to himself the option of resuming the whole or any part of such allowances, or of the produce of such lands, if he should at any time think it to be proper to exonerate the proprietors of land from the charge of keeping the peace, and to appoint officers on the part of Government to superintend the police of the country. The Governor-General in Council, however, declares that the allowances, or the produce of lands, which may be thus resumed, will be appropriated to no other purpose but that of defraying the expense of the police.

Proprietors at liberty to transfer their lands without the sanction of Government.
[*I.* 1793, *ix.*]

XXXVI. That no doubt may be entertained, whether it be lawful for proprietors of land to dispose of their estates without the previous sanction of Government, the Governor-General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, that they are at liberty to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights in the whole or any portion of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahomedan or the Hindoo laws (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any Regulations now in force, or which shall be hereafter enacted by the British Government. It is, at the same time, hereby declared, that no private transfer by sale, gift, or otherwise, nor any private mortgage or other assessment upon land assessed with the public revenue will be admitted, in any respect, to affect the indefeasible right of Government to hold all such lands answerable, in the first instance, for the public revenue assessed thereupon.

Provided the transfer be conformable to law, and not contrary to the Regulations.

Such transfer declared not to affect the right of Government to hold the lands answerable for the revenue assessed thereon.

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the collector or other prescribed officer.
[*Ib. x.*]

XXXVII.* Whenever an entire estate (viz. the whole of any landed property, for the assessment on which a distinct engagement has been or shall be entered into between Government and the proprietor, or which shall be separately assessed, although included in one engagement with other estates belonging to the same proprietor) shall be disposed of by public or private sale, without any subdivision of such estate, no new allotment of the jumma will be requisite, and the purchaser will succeed to all the rights of the former proprietor, in the entire estate. But it is essential that a declaration should be made of the principles upon which the public assessment, or jumma, charged upon any such estates will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or by private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one, or in two or more lots, or of its being joint property, and a division of it being made

* So much of this and the following section as relates to the adjustment of the jumma on lands sold in satisfaction of decrees is repealed by Sec. i. Act IV. 1846.

among the proprietors. The Governor-General in Council has accordingly prescribed the following rules for apportioning the public assessment in the several cases above mentioned; and as Government might sustain a considerable loss of revenue by disproportionate allotments of that assessment, were the apportioning of it, in any of the cases above specified, to be left to the proprietors, it is hereby required, that all such transfers or divisions as may be made by the private act of the parties themselves, be notified to the collector of the revenue of the zillah in which the lands shall be situated, or such other officer as Government shall in future prescribe, in order that the public assessment, or jumma, charged upon the whole estate, may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the jumma charged thereon, may be entered in the public registers, and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who will thenceforward be considered as proprietors of distinct estates. If the parties concerned in such transfers or divisions of estates shall omit to notify them to the collector of the revenue of the zillah, or such other officer as shall be hereafter prescribed, for the purposes before mentioned, the whole of the original estate will be held responsible to Government for the discharge of the jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place. The Governor-General in Council deems it to be necessary further to notify, in elucidation of the declarations contained in this section, that if any zemindar, independent talookdar, or other actual proprietor of land, shall dispose of a portion of his or her lands as a dependent talook, or any other under-tenure, to remain as a dependency, subject to the payment of rent to the proprietor of the estate of which such talook may form a part, the jumma which may be stipulated to be paid by the dependent talookdar, or other under-tenant, will not be entered in the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear from any cause whatever; nor will such transfer be allowed, in any case, to affect the rights or claims of Government, any more than if it had never taken place.

But the transfer of dependent talooks not to affect the rights or claims of Government in any respect.

First. In the event of the whole estate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been, or shall be concluded, being exposed to public sale, by order of the Governor-General in Council, for the discharge of arrears of the public assessment, *or in consequence of the decision of a court of justice,* in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual neat produce, as the public assessment upon the whole of the lands sold may bear to the whole of their actual neat produce. The neat annual produce is to be understood to be the neat annual rent, or other neat produce receivable by the proprietor, after deducting from the gross rent, or other gross produce, the actual expenses of collection, and other usual charges of management, inclusive of the expense of embankments, and similar incidental expenses, where such may be paid by the proprietor, from his gross receipts; but exclusive of his malikanah, nankar, or other proprietary income, and all

Explanation of the term 'actual neat produce.'

other personal appropriations of the gross produce of his estate, as such can have no claim to consideration in determining the neat produce for an equal division of landed property, or for the allotment of the public assessment thereon, in conformity to the rules prescribed. The neat produce, as here defined, shall be ascertained in the mode that is or shall be prescribed by the Regulations, and the purchaser or purchasers of such lands, and his, her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so purchased, subject to the general rules in force at the time of sale for the periodical or permanent assessment of the land revenue.

Second. When a portion of the estate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or shall be concluded, shall be exposed to public sale, by order of the Governor-General in Council, for the liquidation of arrears of assessment, *or pursuant to the decision of a court of justice,* the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual neat produce, as the assessment upon the whole of the lands of such proprietor, included in the same estate, may bear to the whole of their actual neat produce. If the lands sold should be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual neat produce, as the assessment upon the whole of the lands of such proprietor, included in the same estate, may bear to the whole of their actual neat produce. The actual neat produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one, or in two or more lots, shall be ascertained in the mode that is or shall be prescribed by the Regulations; and the purchaser or purchasers of such lands, and his, her, or their heirs or successors, will be allowed to hold them at the jumma at which they may be so purchased, subject to the general rules in force at the time of sale, for the periodical or permanent assessments of the land revenue.

Third. When a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or shall be concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate, so transferred, shall be fixed by the collector or other authorized officer of Government, at an amount which shall bear the same proportion to its actual neat produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of its actual neat produce. This produce shall be ascertained in the mode that is or shall be prescribed in the Regulations, and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so transferred, after the same shall have been duly sanctioned and registered, and engaged for, subject to the general rules in force at the time of transfer, for the periodical or permanent assessment of the land revenue.

Fourth. Whenever a division shall be made of lands, the settlement of which has been or shall be concluded with, or on behalf of, the proprietor

or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share shall be fixed by the collector, or other authorized officer of Government, at an amount which shall bear the same proportion to its actual neat produce, as the jumma assessed upon the whole of the estate divided may bear to the whole of its actual neat produce. This produce shall be ascertained in the mode that is or shall be prescribed by the Regulations, and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them, after the same shall have been duly sanctioned, registered, and engaged for, subject to the general rules in force at the time of the division, for the periodical or permanent assessment of the land revenue.

Rules for adjusting the jumma of lands held khas or let in farm, in the event of the whole, or any part of them, being disposed of by public sale or private transfer, or divided amongst the proprietors.

[*I.* 1793, *vi.*]

XXXVIII.* The following rules are prescribed, respecting the adjustment of the public assessment or jumma on the lands of zemindars, independent talookdars, and other actual proprietors of land, whose lands are or may be held khas, or let in farm by Government, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.

First. If the whole, or a portion of the lands of a zemindar, independent talookdar, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her, and whose lands are or shall be held khas, or let in farm by Government, shall be exposed to public sale, in one, or in two or more lots, *pursuant to the decree of a court of justice*, such lands, if khas, shall be disposed of at whatever assessment the Governor-General in Council shall deem equitable, and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold the lands at the assessment at which they shall be so purchased subject to the general rules in force at the time of sale, for the periodical or permanent assessment of the land revenue. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one, or in two or more lots, they shall be disposed of under the following conditions. The purchaser or purchasers shall receive, during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive, in virtue of his or her proprietary rights, on account of the lands so purchased, and such purchaser or purchasers shall, at the expiration of the lease of the farmer, be put in possession of the lands, on his or their engaging to pay such assessment as Government may deem equitable, under the general rules in force for the assessment of the land revenue.

Second. If a zemindar, independent talookdar, or other actual proprietor of land, whose lands are or may be held khas, or let in farm by Government, shall transfer, by private sale, gift, or otherwise, the whole or a portion of his or her lands in one, or in two or more lots, and such transfer be legal and valid under the Regulations, the person or persons to whom the lands may be so transferred shall be considered to have succeeded to the whole of the proprietary rights of the former possessor, and will accordingly be entitled to receive any malikanah or nankar to which the former proprietor was entitled on account of the lands so transferred.

* See note to Section xxxvii.

Persons to whom such lands may be so transferred will stand in the same predicament as the zemindars, independent talookdars, or other actual proprietors of land mentioned in Section XXXIII. whose lands are held khas or have been let in farm, in consequence of their refusing to pay the assessment required of them under the before-mentioned Regulations for the decennial settlement, and the declarations contained in that section are to be held applicable to them.*

Third. In the event of a division being made of lands that are or shall become the joint property of two or more persons, and which are or shall be held khas, or let in farm by Government, the proprietors of the several shares will stand in the same predicament, with regard to their respective shares, as the zemindars, independent talookdars, and other actual proprietors of land specified in Section XXXIII. whose lands have been let in farm or are held khas by Government, in consequence of their having refused to pay the assessment required of them, and the declarations contained in that section are to be considered applicable to them.

Nothing in the two preceding sections to preclude the revision of allotments of the assessment on portions of estates in cases of evident error, collusion, or fraud.

XXXIX. Nothing in the two preceding sections shall be understood to preclude the revision and correction of allotments of the public assessment upon portions of estates disposed of by public sale or private transfer, or upon the partition of joint estates, in cases of evident error, collusion, or fraud, for which provision has been made by *Regulation XXVI.* 1803, *prescribing rules for the sale and division of lands paying revenue to Government;* nor shall anything in the foregoing section be construed to authorize the collectors, or any other officers of Government, to determine finally the amount of the public assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of or divided between sharers, without the sanction of the Board of Revenue, as more fully provided for by the Regulation above mentioned.

See Reg XIX 1814, and Acts I. 1845, and IV 1846

Reg. XXVI. 1803

A.D. 1803. REGULATION XXVI.

A REGULATION *prescribing Rules for the Sale and Division of Lands paying Revenue to Government, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. WHEREAS it is provided in Regulation XXVII. 1803, that the lands of defaulting proprietors and farmers of land, who may have entered into engagements with Government for the payment of revenue, as well as the lands of their sureties, shall be liable to be sold for the liquidation of arrears of revenue due from the defaulters to Government; and whereas the Board of Revenue are empowered by the said Regulation, in instances of embezzlement, or misappropriation of the funds from which the public revenue may be payable to Government by any landholder, or in any other cases in which it may be deemed advisable to recommend to the Governor-General in Council the sale of the lands of the defaulter and his surety, under the

rules prescribed by this Regulation; and whereas the lands of persons paying revenue to Government, as well as the lands of persons holding lands exempt from the payment of revenue, are also liable to be sold in satisfaction of decrees of the courts of justice; and whereas it is necessary that rules should be prescribed for the sale of lands in the cases above stated; and whereas it is essential to the security of the public revenue due from lands paying revenue to Government, that the jumma of such lands, whether sold on account of arrears of revenue to Government or in satisfaction of decrees of the courts of justice, should be adjusted conformably to the principles prescribed in Section XXXVII. Regulation XXV. 1803; and whereas it is expedient, that rules should be established for enabling the officers of Government to apportion the jumma of lands assessed with public revenue which may be sold for the purposes above specified, and for empowering the Board of Revenue, the collectors of the revenue, and the courts of justice, to countermand or postpone the sale of lands, in the event of the arrears of revenue demandable from the defaulter, or of the amount of the decree, being discharged previously to the sale being made, or for other sufficient cause; and whereas it is essential, in dividing landed property paying revenue to Government into two or more distinct estates, that the share or shares comprised in each estate should be rendered as compact as circumstances may admit, in order to obviate disputes, equally prejudicial to the interests of the proprietors and of Government, regarding boundaries, water, and other matters, which necessarily result where the lands belonging to different estates circumscribe each other or are intermixed; and whereas, in such cases, justice to the sharers, and the security of the resources of the state, require that the public revenue should be apportioned on each of the estates into which the property may be divided, agreeably to the rules prescribed in Regulation XXV. 1803; and whereas it is also necessary, for the convenience of the proprietors of two or more estates which may have originally formed specific and ascertained proportions of the same zemindary, talook, or other tenure, and for preventing the divisions of landed property becoming too numerous and minute, that the proprietors of such estates should be allowed to unite them into one estate: the following rules, applicable to the several cases above specified, are accordingly enacted.

II. to XI. [Rules for the conduct of sales.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

Collectors authorized to cause the attendance of any landholder or other native whose attendance may be required.

[*I.* 1801, *part of x.*]

XII. All purchasers of lands at the public sales are required to attend the collector of the zillah wherein the lands may be situated, either in person or by their representatives duly authorized, and to execute the usual kubooleeat and kistbundy for the public revenue assessed upon the lands purchased by them. *In cases of doubt as to the real purchaser, or of suspicion that the purchase has been made in opposition to the rules contained in Sections IX. and X. of this Regulation, the collector is authorized to cause the personal attendance of the alleged purchaser at his cutcherry, if resident within his jurisdiction; or if the purchaser be resident in any other zillah, the collector of such zillah is authorized and required to cause the attendance of the purchaser at his cutcherry, on the application of the collector in whose district the lands may lie, and to make any examination or inquiry which may*

Superseded by the rescission of Secs. ix. and x.; and see Sec. xxi. Act I. 1845.

be desired by the latter collector or by the Board of Revenue, to whom a full report shall be made in such cases, for the orders of the Governor-General in Council, as directed in Sections IX. and X. of this Regulation.

XIII. and XIV. [Sales of shares in joint estates—sanction of Governor-General.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

XV. to XXVI. [Sales in satisfaction of decrees.]—*Repealed by Section I. Act IV.* 1846.

All transfers by sales of land to be entered in the registers directed to be kept by Regulation XLII 1803. [*XLV.* 1793, *xviii*]

XXVII.* When a sale of lands shall have taken place under this Regulation, the collector of the zillah in which the sale shall have been made shall cause the entries of the transfer to be made in the public registers directed to be kept by Regulation XLII. 1803.

Board of Revenue to conduct sales of land under the Regulations. [*VII* 1799, *xxx.*]

Their responsibility, and objects to be attended to by them.

Collectors to propose, and Board of Revenue to approve, establishments of officers to be employed during the attachment of lands

Objects to be attended to in proposing and approving such establishments.

Collectors also to nominate, and Board of Revenue to approve, the principal officers to be employed in the management of lands under attachment, with their sureties.

Responsibility of collectors in all such appointments.

See Sec. ii Reg XI. 1822, and Secs iii and iv Act I 1845

XXVIII.* The Board of Revenue, who are empowered by this Regulation to conduct the sales of land in the mode therein prescribed, will consider themselves responsible for the careful execution of this duty; and are required to be particularly attentive to the proper selection of lands for sale by the collectors, as well as to the due allotment of the public assessment thereupon, in conformity to the Regulations. They are also authorized to fix the establishments of native officers which may be necessary during the attachment of lands for sale, the expense of which shall be defrayed from the produce of the lands, as provided in Regulation XXVII. 1803; and statements of all such establishments shall be submitted by the collectors, for their approval, as soon as possible after the attachment may take place. In preparing such statements, the collector shall be careful not to propose a greater number of officers, or greater allowances to the officers employed, than may be indispensably necessary; and the Board of Revenue, in approving such establishments, shall give particular attention that this principle is duly observed. The collectors shall also nominate, for the approbation of the Board of Revenue, the aumeens and other principal native officers to be employed in the management of lands under attachment, with the sureties to be taken for their appearance under Section II. of Regulation XXXIII. 1803; and will be held responsible for the utmost regard to the qualifications and character of the persons so appointed by them.

XXIX. to LXI. [Division of joint estates.]—*Rescinded by Section II. Regulation XIX.* 1814.

* So much of these two sections as relate to sales in satisfaction of decrees is repealed by Sec. i. Act IV. 1846.

A.D. 1803. REGULATION XXVII.*

Reg. XXVII. 1803.

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LIII.*			

This Regulation contains the whole of Regulation VI. 1795, except the rescinded sections, and of that part of Regulation V. 1800, relating to the recovery of the Government revenue.

A REGULATION *prescribing the process by which the Collector and the Tehseeldars are to realize the public Revenue payable from the Lands, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. THE following rules are prescribed for the guidance of the collector and the tehseeldars, in realizing the public revenue payable from the lands in the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company.

* It is enacted by Clause 2, Sec. ii. Reg. XI. 1822, that all provisions which prescribe the issue of any process of demand on persons from whom arrears are due, or the attachment of lands before bringing them to sale, or which restrict the selection of lands for sale, or the period of sale, shall be rescinded.—Act I. 1845, enacted new and consolidated rules for the sale of lands for arrears of revenue, which greatly affect and modify the process directed to be observed in this Regulation.

Revenue to be collected by tehseeldars where no settlement has been made with the proprietor.

II. *First.* Tehseeldars, or native collectors, shall be appointed to collect the public dues from those lands, for the payment of the revenue from which settlements may not have been concluded with the zemindars or other actual proprietors; and generally, to collect the revenues of such lands as the collectors may deem it expedient to place under them.

Tehseeldars to be selected by the collectors for the approbation of the Board of Revenue.

Second. The tehseeldars shall be selected by the collectors, who are required to pay the utmost attention to their character and responsibility. The name of the person proposed for that office shall be submitted by the collector to the Board of Revenue, and no actual appointment shall take place without the previous sanction of that board.

Collections to be made by tehseeldars in ordinary cases, not to be less than two, nor beyond three lacks of rupees.

No collection beyond three lacks to be established without the sanction of the Governor-General in Council.

Third. In all practicable cases, the amount of the revenue to be collected by each tehseeldar shall not be less than two lacks of rupees, nor exceed the sum of three lacks of rupees per annum, including every description of collections intrusted to his management. Where it may be deemed expedient by a collector to intrust a tehseeldar with a collection exceeding the sum of three lacks of rupees, he shall report the same to the Board of Revenue, in order that they may submit such reference for the orders of the Governor-General in Council.

No person to hold more than one situation as tehseeldar.

Principals only to be employed.

Fourth. The collectors shall be careful to prevent persons holding more than one situation as tehseeldar, by obtaining these appointments in other pergunnahs or in other districts, in the names of their connections or dependants. The collectors shall also be careful that the persons appointed tehseeldars are principals, and not employed as agents for their sureties.

Tehseeldars to be allowed eleven and a half per cent. on the gross collection.

Tehseeldars to be generally responsible for the recovery of the revenue, and in certain other respects.

Superseded by Reg. XXI. 1806, and see Sec. xiv. Reg. XIV. 1807.

Fifth. The tehseeldars shall be allowed eleven and a half per cent. on the amount of their gross collections; in consideration of which they are to bind themselves to defray all charges, and to cover all risks and expenses whatever of the collections; to make good all balances of revenue which may accrue in their respective jurisdictions; as well as such advances as Government may authorize them to make to ryots and others, for the purpose of assisting them in the cultivation of their lands.

Tehseeldars to maintain a police.

Police in large towns and gunges to be maintained by Government.

Rescinded by Sec. iii. Reg. XIV. 1807.

Sixth. [*In consideration of the allowance, as specified in Clause Fifth, the tehseeldars shall further become bound to maintain an efficient police in their respective jurisdictions; with an exception as to cities, large towns, and principal gunges, the police of which will be maintained by Government.*]

Tehseeldars to give security equal to the amount of one year's kist.

Seventh. The tehseeldars shall give good and sufficient security (to be approved of by the Board of Revenue) for the due and faithful performance of the trust reposed in them, to the amount of the largest kist recoverable by them, respectively, in each year.

Tehseeldars in arrear of one year's kist liable to be removed.

Eighth. A tehseeldar falling in arrear to the amount of one whole kist, shall be liable to be removed; and a report of the arrear so incurred shall be made, without delay, to the Board of Revenue.

Tehseeldars to make the usual advances of tuccavy.

Bonds, how to be taken for such advances.

Ninth. Tehseeldars shall make the usual advances of tuccavy at the proper periods, for the purchase of seed, cattle, and implements of husbandry; taking bonds for the same, bearing interest at the rate of twelve per cent. per annum. The tuccavy bonds shall be attested by the choudries, canongoes, and mukuddums; and the number of begahs for the cultivation of which the advance is made shall be specified in the bond.

All engagements are to be made by the tehseeldars in the name of Government.

Tenth. All engagements whatever concluded immediately by the tehseeldars, shall be made and granted in the name and on the part of Govern-

ment; inasmuch as the tehseeldar acts for, and is to be regarded in all cases as the officer of Government.

Eleventh. Where a person paying revenue to Government may be dissatisfied with the conduct of a tehseeldar, and shall prove, to the satisfaction of the collector, that the tehseeldar has been guilty of misconduct towards him, such person shall be entitled to the privilege of paying his revenue direct to the treasury of the collector; provided that the complainant shall give good and sufficient security for the regular discharge of his kists. But no separation of this nature shall take place without a previous reference to the Board of Revenue; and the collectors shall be careful that the authority and influence of the tehseeldars be not lessened on light and insufficient grounds.

Persons to be entitled to pay their revenue direct to the collector if injured by the tehseeldar.

Such persons to find security.

But no separation to be made without the sanction of the Board of Revenue.

Twelfth. [*Same as Section II. Regulation VI.* 1795, *substituting* "Canoongoes" *for* "serishtadars."]

III. The tehseeldars are not to issue a dustuck or written demand for the payment of any kist or instalment, until it be due. But when any person shall have failed to pay in his kist before, or on the date on which it may become due, the tehseeldar is to issue a dustuck, and to cause it to be served by a single peon on the party in arrear; who, until he shall have discharged the amount, is to pay to the peon employed in serving the dustuck two annas per day (excepting in districts where custom has fixed the subsistence of peons at a lower rate, in which case such lower rate, and no more, shall be exacted), until the kist be paid, or until the dustuck be withdrawn, as hereafter provided for. But the defaulter shall not be subject to any further charge for the khorack, or subsistence of the peon, or on other account.

When payment of the instalments is to be demanded. [*VI.* 1795, *iii.*]

Rate of tullubana.

IV. Tehseeldars are strictly prohibited from employing muzcoory peons to serve the above-mentioned or any other dustucks. This duty shall be performed solely by peons entertained on monthly wages, and who shall have given security for their good conduct, and whose wages shall be paid by the tehseeldars out of the tullubana, or subsistence money, that may be levied from the persons on whom they may serve the dustucks; the tehseeldar making good the sum necessary to sustain such charge in all cases of deficiency. Every tehseeldar is to report to the collector the number and names of the peons thus entertained by him, as well as such occasional dismissions, vacancies, and appointments, as may occur in this part of his establishment; and the collector is to furnish the tehseeldars with a correspondent number of chupprasses or badges, which such peons are to wear, and without which they are not to perform any official act. On each of these badges shall be inscribed in the Persian language, and in the Hindostanee language and Nagoree character, "Chupprassy of the tehseeldar of ——— (name of the mahal or district under the charge of the tehseeldar in whose service the peon may be employed)."

Tehseeldars prohibited employing muzcoory peons.

Regulations regarding peons entertained as monthly servants. [*VI.* 1795, *iv.*]

See note at the beginning.

V. Every dustuck issued by a tehseeldar for enforcing payment of a kist shall be attested by the canongoes officiating in the tehseeldary cutcherry, who, on the eighth of each succeeding month, are to transmit to the collector an attested list of all such dustucks as may have been thus issued; and the peons, on their return with their dustucks, shall deliver

Canongoes to attest all dustucks or written demands for the revenue, and to report the same to the collector: and to transmit an attested list thereof to the collector.

[*VI.* 1795, *v.*]
How the tullubana is to be appropriated.

in an account to the canongoes of the tullubana collected by them in conformity to their dustucks, and shall pay the amount into the treasury of the tehseeldar, receiving from the treasurer regular receipts for the sums so paid. The peons are immediately to deliver these receipts into the dufter or office of the tehseeldar, who on the twentieth of every succeeding month is to forward an attested list of them to the collector, carrying the surplus collections on this account to the credit of Government. The collector is to cause the list to be examined and to be checked by the attested list of the dustucks issued, which he will have previously received from the canongoes, and to have entered monthly in the treasury accounts the neat realized amount of such tullubana.

See note at the beginning.

Tehseeldar liable to be removed by the collector with the sanction of the Board of Revenue, and liable to be prosecuted.
[*VI.* 1795, *part of vi.*]

VI. The tehseeldars are declared liable to be removed from their offices by the collector, with the sanction of the Board of Revenue, and to be prosecuted on the ground of their engagements, either during the course or at the end of the year.

Process to be observed by the collector in realizing the successive instalments, as they fall due.
[*VI.* 1795, *vii.*]

VII. The kists or instalments of each month receivable from the tehseeldars and the huzzoory malguzars, are to be paid between the first and the seventh of each succeeding month: and for all arrears not then paid, the collector, at his discretion, on a consideration of the credit and responsibility of the parties, is either to issue his dustuck, or to send only a written notice by letter, or a verbal intimation through the vakeels of the parties (who are always to be in attendance at the cutcherry) to pay in their kists. But to those who shall not have paid the amount due from them by the fourteenth of the month, the collector shall issue dustucks, under his seal and signature, *and countersigned by the dewan*, on the fifteenth of the month, and the peons serving such dustucks shall be directed to bring the party or parties to whom they are addressed, without delay, to the collector's cutcherry; and also from the date of their dustuck to levy tullubana, at the rate of two annas per day, until the kist be discharged, or until the dustuck be withdrawn, as hereafter provided for. Such dustucks, and all other summonses of the collector, are to be served by the badge peons on his establishment of public officers hired at monthly wages. In cases, however, of unavoidable necessity, the collector is permitted to employ muzcoory peons. And on particular occasions, when from the distance of situation, the necessity for despatch, or other cause, the collector shall deem it proper, instead of a peon, to employ a horseman (sowar) in the serving of any written demand for revenue, the tullubana to be collected by the horseman shall be at the fixed rate of four annas per day, until the demand specified in the dustuck be liquidated. But no sowars are to be employed by the collector in the serving of dustucks, excepting those who form part of his public establishment and are entertained on monthly wages. All persons, whether employed on monthly wages or those termed muzcoory, and also sowars, are to give security not to exact or receive, under any pretence, any sum or sums, or to accept of any subsistence for themselves or their horses, from any person or persons to whom they may be thus sent to demand payment of revenue, under the penalty of being made to refund double the amount, either by the collector, on such exaction or receipt coming to his knowledge, or in case of their being afterwards prosecuted on this account in the Zillah Courts.

Office of dewan abolished by Reg. XV. 1813.

See note at the beginning.

VIII. [*Same as Section VIII. Regulation VI.* 1795, *substituting* "collector" *for* "moolky treasury."]

IX. [*Same as Section IX. Regulation VI.* 1795, *omitting the words in parenthesis.*]

X. With respect to the lands, the revenue assessed on which is not paid huzzoory or immediately to the collector, the tehseeldar, at the expiration of the fifth day from the date of his dustuck having been served without success on the party or parties in arrear, is to cause similar written demands, under the same attestations, to be served on their sureties; and when the revenue in demand, together with the tullubana, shall be realized from the principal or surety, either at their places of abode, in consequence of the dustuck being served upon them, or at the tehseeldar's cutcherry, to which the peons are to convey them, by such time (consistently with the period fixed in the ensuing section for their being sent in to the collector) as shall be specified by the tehseeldar in the dustuck, such dustuck or dustucks, together with the peons serving the same, shall thereon be immediately withdrawn.

On whom the tehseeldars are to make their demand for the revenue payable through them. [*VI.* 1795, *x.*]

See note at the beginning.

XI. [*Same as Section XI. Regulation VI.* 1795.]

XII. [Interest on arrears.]—*Superseded by Section II. Act XII.* 1841.

XIII. [*Same as Section XIII. Regulation VI.* 1795.]

XIV. *First.* [*Same as Section XIV. Regulation VI.* 1795.]

Second. Provided, however, that whenever a proprietor or farmer of land shall subject himself to confinement, *and his estate or farm to attachment*, for arrears of revenue under the provisions contained in this Regulation, and the collector shall be of opinion that, instead of confining the person of the defaulter *and attaching his estate or farm*, the arrear due from him will be more speedily discharged by distraining and selling any personal property belonging to the defaulter, according to the process prescribed in Regulation XXVIII. 1803, whereby landholders and farmers are authorized to recover arrears of rent from their under-tenants by distraining and selling the personal property of the latter; or if, in any case, notwithstanding the confinement of a defaulting proprietor or farmer, *and the attachment of his estate or farm* for an arrear of revenue, such arrear be not discharged, and the defaulter or his surety shall possess any personal property from which the same can be made good, the collector may, in all such cases, direct the tehseeldar of the district in which the personal property of the defaulter and his surety may be forthcoming; or if it be a huzzoory mahal, any officer whom he may think proper to appoint for the purposes, to cause the personal property of the defaulter or his surety to be distrained and sold, as far as shall be necessary for the recovery of the arrear due, in the mode, and under the restrictions prescribed by the Regulations with regard to the distress and sale of the personal property of under-tenants, for the recovery of arrears of rent due from them to proprietors and farmers. The collector also, in cases wherein he may judge it expedient, is empowered to vest the tehseeldars with discretionary

In what cases the collector may cause the personal property of defaulting landholders to be distrained. [*V.* 1800, *xxii.*]

In what mode, and under what restrictions, such distress and sale to take place.

In what cases the collector may vest teh-

seeldars with a discretionary authority to proceed against defaulters by established process of distress and sale.

Responsibility of tehseeldars in such cases, and whenever property may be distrained and brought to sale by them.

authority to proceed against defaulters within their respective tehseeldaries by the established process of distress and sale, without waiting for his previous sanction; but, in such cases, the tehseeldars will be held personally answerable, if the amount for which the distress may be levied is found not to have been justly due; and in all cases wherein property may be distrained and brought to sale by the tehseeldars, they will be held responsible for any wilful deviation from the Regulations, as prescribed with regard to the agents of landholders and farmers in Regulation XXVIII. 1803.

XV. *First.* [*Same as Section XV. Regulation VI.* 1795.]

Attachments for arrears when to be withdrawn.

[*V.* 1800, *part of* xxiii.]

Second. Whenever the estates of defaulting proprietors, or the farms of defaulting farmers, shall be attached under Section XIV. or Clause First, if the arrear due, with any further arrear that may become due from the same proprietor or farmer, be discharged from the collections or otherwise at any period before the end of the current Fussily year, together with the amount of any expense attending the attachment, such attachment shall be immediately withdrawn, and a full and fair account rendered of all receipts and disbursements during the continuance of it.

See note at the beginning

Third. The injunctions to the tehseeldar in Clause First, to collect from the ryots according to their engagements with the defaulter, are not to be considered, [*&c. as in Section XXIV. Regulation V.* 1800].

Accounts to be furnished by putwarries in cases of attachment.

[*V.* 1800, *part of* xxv.]

Collector to cause general appointment of putwarries according to Reg XXIX. 1803.

*Fourth.** [*In all cases of attachment, the village putwarries required to be appointed by Regulation XXIX.* 1803, *will of course be bound to furnish the collector and tehseeldar, or other officer deputed by him, with the accounts directed to be kept by them; and the collector is hereby required to take immediate measures for ascertaining whether the putwarries have been universally appointed throughout the provinces as enjoined in the said Regulation, as well as to cause their immediate appointment where they may be found wanting, by requiring immediate compliance from the landholders with the Regulation in question, under the prescribed penalty, which, if necessary, is to be enforced in the mode provided.*]

Proprietors and farmers of attached lands to furnish collectors with any accounts required from them in their possession

And to cause their agents to attend the collector or officers appointed by him.

Penalty for non-compliance with this rule.

Defaulting proprietors and farmers of land, whose estates or farms may be attached under this Regulation, are also required to furnish the collector with any accounts that may be required from them, relative to the jumma, collections, and outstanding balances of the current year, or of preceding years, which may be in their possession, as well as to cause their agents of every description, who may have been employed in the collections of the current year, to attend the collector, tehseeldar, or other officer appointed by him. Any proprietor or farmer who, on receiving a written requisition from the collector, under his official seal and signature, to the above effect, shall refuse or neglect to comply therewith, shall be liable to such fine as the Board of Revenue, with the sanction of the Governor-General in Council, may think proper to impose upon him, on the collector's report of the circumstances of the case; and the Governor-General in Council reserves to himself the power of ordering the imprisonment of any landholder or other person, who may persist in refusing to deliver up the accounts required from him in any particular instance.

See note at the beginning and Sec. xxiii Reg XII. 1817

* The first part of the corresponding section of Reg. V. 1800, relating to putwarries, has been rescinded by Sec. ii. Reg. XII. 1817; but the provisions of this clause have not been specifically rescinded,—they are, however, superseded.

XVI. *First.* [*Same as Section XVI. Regulation VI.* 1795, *omitting* "the City Court."]

Second. That part of the preceding clause which authorizes the judge of the Court of Adawlut, on security being given by the plaintiff, to issue a precept for his discharge from confinement and personal restraint, shall not be considered as directing the attachment of the plaintiff's estate or farm to be withdrawn, unless the arrear of revenue claimed from him by the collector or tehseeldar be paid; nor shall the distress and sale of any personal property belonging to the plaintiff be stopped, on account of his having instituted a suit against the collector or tehseeldar, contesting the justice of the demand upon him. Provided, however, that if any proprietor or farmer of land from whom an arrear of revenue may be demanded, shall, by a written representation to the collector, deny the justice of such demand, but to prevent any coercive process being issued against him shall discharge the demand, and shall afterwards establish, by a suit in the Court of Adawlut, that the amount so paid by him, or any part thereof, was not justly due, the amount of the excess so established shall be immediately repaid from the public treasury, with interest at the rate of twelve per cent. per annum, from the date on which such excess may have been received to the date of repayment.

Attachments not to be withdrawn until the arrear demanded be paid.

[*V.* 1800, *part of xxiii.*]

Nor distress and sale of personal property to be stopped on account of suits having been instituted.

Provision for repayment of any overplus with interest, if established in the courts of justice.

XVII. *First to Fourth.* [*Same as Clauses First to Fourth, Section XVII. Regulation VI.* 1795, *omitting the word* "permanent" *in the second line of Clause Third.*]

Fifth. [Sales of lands in certain cases.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

XVIII. *First.* Where arrears shall be due by farmers near the close of the year, the recovery of which, either through themselves or their sureties, shall not have been effected by its expiration, the collector, with the sanction of the Board of Revenue, is to have recourse, in the first instance, to the person who shall appear to him to have the best claim to the village or talooka in question, who, on paying up the farmer's balance, or on giving good security to pay it by instalments in the course of the ensuing year, shall be reinstated in the estate. This, however, is not intended to decide the question of right to such estate, as any person who may consider himself to have a better claim to it than the person whom the collector shall have put in possession, is at liberty to prefer the same to the judge of the Zillah Court of Adawlut within whose jurisdiction the lands shall be situated.

How lands rented by farmers in arrear at the end of the year are to be disposed of.

[*VI.* 1795, *xviii.*]

Such lands to be tendered, in the first instance, to the persons who shall appear to have the best claim.

Conditions of the tender.

Investiture in this way by the collector, no bar to the legal title being tried by the Court of Adawlut.

Second. Where there are not any original proprietors, or where they shall decline taking upon themselves the balance of the farmer, the collector shall offer the village or talook to the mocuddums or purdhauns, and shall conclude the settlement with them for the same, on their agreeing to the terms specified in the preceding clause. In instances in which there are not any original proprietors, or where they shall decline taking upon themselves the balance of the farmer, and in which the mocuddums or purdhauns shall also decline to take upon themselves a similar responsibility, the farmer shall be continued, on his stipulating, in such manner as shall be deemed satisfactory, to pay off his balance with the future revenue; or otherwise the farm is to be relet, for such term as Government may

Where no original proprietors may appear, or where they shall not stipulate, the tender to be made to the mocuddums or purdhauns.

In failure of either of the above, the farmer may be continued on a satisfactory stipulation;

or, otherwise, the farm to be let to some other person;

direct, to such other person or persons as, in consideration of such lease, shall immediately pay up, or find satisfactory security for the removed farmer's balance, or the part of it, the payment of which shall be required.

or to be held amauny, under the collector.

Third. Where neither the original proprietor shall be reinstated, nor the settlement be made with the mocuddums or purdhauns, nor the farmer in arrear be continued, nor any new farmer undertake to discharge the balance incurred, or such part thereof as Government may require, the lands are to continue amauny, under the same kind of management and regard to their improvement, as is directed in Clause Second of the preceding section, to be observed in respect to lands from which zemindars shall have been dispossessed.

Property of farmers may be disposed of for the recovery of arrears.

Fourth. The Board of Revenue, in all cases in which they may judge it advisable (in addition to such recourse as is authorized to be had on the surety), may recommend to the Governor-General in Council the sale of the property of farmers in arrears, in conformity to the tenour of their engagements.

XIX. [Lands not to be sold while a suit is pending, nor without sanction of Government.] —*Rescinded by Clause First, Section II. Regulation XI.* 1822.

XX. [*Same as Section XX. Regulation VI.* 1795, *substituting* "canoongoes" *for* "serishtadars."]

XXI. XXII. [*Same as Section XXI. and XXII. Regulation VI.* 1795.]

XXIII. [*Same as Section XXIII. Regulation VI.* 1795, *substituting* "Regulations IV. and V. 1803," *for* "Regulations V. and VI. 1793," "five thousand *sicca* rupees" *for* "one thousand *sicca* rupees," *and the following for the latter portion of the section, beginning*]

If the estate is decreed forfeited, the Governor-General in Council may confirm the decree or commute the forfeiture for a fine.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

It shall be at the option of the Governor-General in Council, either to order the decree to be executed, or to commute the forfeiture for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor-General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it, by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector. The process which a collector may institute against a defaulter in the Court of Adawlut of the zillah under this section, as well as the prosecution or defence of any appeal from the decision of such court which may be preferred *to the Provincial Court of Appeal, or from the decree of the Provincial Court* to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, is to be carried on at the public expense, and to be conducted by the vakeel of Government, whom the collector is to furnish with the necessary instructions.

Process and appeals instituted under this section to be conducted by the vakeel of Government on the part of the collector, and to be carried on at the public expense.

XXIV. and XXV. [*Same as Section XXIV. and XXV. Regulation VI.* 1795.]

XXVI. [*Same as Section XXVI. Regulation VI.* 1795, *substituting* "five thousand *sicca* rupees" *for* "one thousand *sicca* rupees," *and the following for the latter portion of the section, beginning*]

It shall be at the option of the Governor-General in Council, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed on the defaulter, the court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector. The process which the collector may institute in the Adawlut of any zillah, under this section, as well as any appeal that may be preferred from the decision of the Zillah Court *to the Provincial Court of Appeal, and from the decision of that court* to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, are to be defended and carried on at the public expense, and by the vakeel of Government, whom the collector is to furnish with the necessary instructions.

If the lease shall be adjudged annulled, the Governor-General in Council may confirm the decree, or commute the annulling of the lease for a fine.

If the decree shall be commuted for a fine, how it is to be levied.

Process and appeals under this section to be conducted by the vakeel of Government on the part of the collector, and at the public expense.

XXVII. [*Same as Section XXVII. Regulation VI.* 1795.]

XXVIII. [*Same as Section XXVIII. Regulation VI.* 1795, *substituting* "five thousand *sicca* rupees" *for* "one thousand *sicca* rupees," *and the following for the latter portion of the section, beginning*]

It shall be at the option of the Governor-General in Council, either to order the decree to be executed or to alleviate the fine. The court which shall have transmitted the final decree and proceedings to the Governor-General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it, by the same process by which it is directed to enforce decrees of the court, and to pay the amount to the collector. The process which the collector may institute in the Court of Adawlut of the zillah under this section, as well as the appeals that may be preferred from the Zillah Court *to the Provincial Court of Appeal, and from the decision of that court* to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, are to be defended or carried on by the vakeel of Government, and at the public expense.

Option reserved to the Governor-General in Council of confirming or alleviating the fine.

If the fine shall be confirmed or alleviated, by what court, and how it is to be levied.

Process and appeals instituted under this section to be conducted by the vakeel of Government on the part of the collector, and to be carried on at the public expense.

XXIX. [Time when defaulters' lands may be ordered for sale—how defaulter may stay the sale.]—*Rescinded by Clause First, Section II. Regulation XI.* 1822.

See note at the beginning.

XXX. *First.* When a collector shall proceed to confine the surety of any proprietor or farmer of land in the cases authorized in this Regulation, he is immediately to cause such portion of the defaulter's lands as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached under the rules prescribed in

Collector to attach lands of sureties whom he may proceed to confine, sufficient to answer the demand against them.

[*VI.* 1795, *part of sec.*]

How the collector is to proceed, if the surety possess no lands in the zillah in which the defaulter's land shall be situated.

Sections XIV. and XV. for the attachment of the lands of defaulting proprietors. If the surety shall not possess any landed property within the zillah in which the lands of the defaulter shall be situated, but shall possess lands in any other zillah within the ceded provinces, or within either of the provinces of Bengal, Behar, Orissa, or Benares, the collector is to depute an aumeen into the zillah in which such property may be situated, with a letter specifying the amount of the demand on him and the property to be attached. The collector of such zillah is immediately to order a peon to point out the property to the aumeen, who is to keep it in attachment until the Board of Revenue shall *have obtained the* sanction *of the Governor-General in Council for* the sale of it.

The collector is to depute an aumeen.

See Sec. iv Act I. 1845.

Expense and establishment of the aumeen to be sustained by the surety.

[*XIV.* 1793, *part of vi.*]

Second. The expense of the establishment of the aumeen, and all other charges attending his deputation, shall be defrayed by the surety, and disbursed from the collections made from his estate or farm. The dewan or head native officer of the surety, or any other person whom he may think proper to appoint, is to keep a counterpart of the accounts of the receipts and disbursements by the aumeen. The aumeen is to collect according to the engagements that may subsist between the surety and his dependent talookdars, under-farmers, and ryots, and shall not make any alterations whatever in such engagements or exact more than the amount specified in them. The aumeen shall be liable to a prosecution, in the Court of Adawlut of the zillah, for any alterations or infringement of such engagements. In cases in which no engagements may exist between the surety and his dependent talookdars or ryots, the aumeen is to collect from them according to the established rules and usages of the pergunnah. The aumeen shall likewise be subject to a prosecution by the proprietor of the estate, or the farmer, for embezzlement or injuries done to the estate or farm, during the time that the collection of the rents and revenues of it may be intrusted to him. The aumeen is to apply the amount of the collections from the lands, after deducting the expenses of his establishment, towards the discharge of the public revenue, which he is to pay to the collector of the zillah in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand on account of which the attachment of the lands may have been made.

Duty of the aumeen.

See note at the beginning

Small estates to be committed to the care of the nearest tehseeldar, or other native revenue officer.

[*VI.* 1795, *part of xxx.*]

Third. If the property of the surety that may be attached shall be too inconsiderable to admit of its being charged with the expense of an aumeen, the collector to whom the money due from the surety may be payable, is to apply to the collector of the zillah in which the lands may be situated, to order the nearest tehseeldar or native officer employed under him in the business of the collections, to take charge of the lands; and the collector to whom the application shall be made is to comply with it, and the tehseeldar or native officer to whose charge he may commit the lands is to perform the duties prescribed to the aumeen in the preceding clause, and under the same restrictions and penalties. The collector of the zillah in which the lands may be situated is not to be liable to any prosecution on account of the attachment; but the collector, in conformity to whose application the attachment may take place, is to be responsible for the consequences, in the same manner as if the lands had been situated in his own jurisdiction. [*The Board of Revenue are to apply to the Governor-General in Council for his sanction for the sale of the lands*

Board of Revenue to apply for permission to

Superseded by Sec. iv. Act I. 1845.

belonging to the surety, either during the course of the year in which they may be attached, or after the close of it, as they may deem advisable.]

sell the lands of the surety.

XXXI. [*Same as Section XXXI. Regulation VI.* 1795.]

XXXII. to XLIV. [*Same as Sections XXXV. to XLVII. Regulation VI.* 1795.]

XLV. If the collector of any zillah shall die or be removed from his office, [*&c. as in Section XLVIII. Regulation VI.* 1795].

XLVI. [*Same as Section XLIX. Regulation VI.* 1795.]

XLVII. [*Same as Section L. Regulation VI.* 1795, *inserting after the words* "directed to be sold," "in Regulation XXVI. 1803."]

XLVIII. and XLIX. [*Same as Sections LI. and LII. Regulation VI.* 1795.]

L. [*Same as Section LIII. Regulation VI.* 1795, *omitting the parenthesis.*]

See Cl. 2, Sec. xviii. Reg. VIII. 1805, and Secs. xxviii. to xxxii. Reg. XII. 1817.

LI. The collectors are generally empowered to require the personal attendance of any landholder, or other native inhabitant, within their respective jurisdictions, when the attendance of such persons may be indispensably necessary for the purpose of any authorized public inquiry, or to enable them to perform any part of their public duty, under the regulations or instructions of the Governor-General in Council or Board of Revenue. But a collector shall not cause the personal attendance of any landholder or other person, who may appoint an agent duly authorized to attend for him, if the attendance of the agent so appointed shall be adequate to the purposes required. Where a collector may have occasion to exercise the powers as above authorized, he shall issue a regular summons under his official seal and signature, specifying the name, designation, and residence of the party summoned, and the purpose or purposes for which his attendance is required. Any infringement of this rule shall render the collector liable to an action for damages in the Civil Court.

Collector empowered to require the attendance of any landholder or native whose attendance may be requisite.

[*I.* 1801, *part of x.*]

But not to require the attendance of a principal where that of an authorized agent may suffice.

Regular summons to be issued to persons whose attendance is required.

Collector subject to prosecution for damages for any infringement of this rule.

Superseded by Cl. 2, Sec. ii. Reg. XI. 1822.

LII. *No attachment of an estate or farm shall be made without the sanction of the Board of Revenue; except in the cases where the collector may deem the same expedient to induce the payment of the arrear by the defaulter, or to obtain accurate information of the assets of the estate for the purpose of disposing of a portion of it by public sale at the close of the year, or to prevent his misappropriation of the remaining rents of the year. Where an attachment may be deemed advisable for the purposes above stated, the entire estate shall be attached. Estates or farms shall in no case be liable to attachment during the three first months of the Bengal, Fussily, or Willaity year (according to the era current in the several districts), without the sanction of the Board of Revenue to that effect being first had and obtained by the collector. But this rule shall not be considered as applicable to attachments*

Collectors shall not attach the estate or farm of any proprietor without the sanction of the Board of Revenue, unless in particular cases.

[*I.* 1801, *part of ii.*]

The entire estate shall be attached.

No attachment shall be made during the three first months of the year without the orders of the Board of Revenue.

Attachments made in the preceding year excepted.

which have been made in the preceding year and continued after the expiration of it, with a view to the lands being brought to sale for the recovery of the arrear due from them.

The lands to be let on a lease for three years

LIII. *First.* The whole of the lands in the ceded provinces shall be let on a lease for three years, at a fixed, equal annual rent, the amount of which must be determined by such accounts as the collectors may be at present in possession of, or may be able hereafter to obtain; [*but no settlement is to be considered final until it has received the previous sanction of the Board of Revenue*]. In cases where, from the state of the country, it may not be practicable to conclude a settlement at a fixed, equal, annual jumma or rent, without any obvious loss to Government, the collectors shall make the settlement at such an annual increase, during the first lease of three years, as may appear to them to be just and equitable.

Rescinded by Cl. 3, Sec. xviii. Reg. VIII. 1805

At the expiration of the first, another settlement to be formed for three years;

Conditions.

Second. The collectors shall insert the following stipulations in every engagement:—*First.* At the expiration of the first lease for three years, another settlement shall be concluded for the further period of three years, at a fixed, equal, annual jumma, [*on the following terms: the difference shall be struck between the annual amount of the first lease and the actual net produce of the lands at the time when it expired, and two-thirds of such difference shall be added to the annual rent of the first lease, and will become that for the second three years.*] *Secondly.* At the expiration of the second three years' lease, new engagements shall be entered into for the further period of four years, at a fixed, equal, annual jumma, the amount of which shall be determined by adding three-fourths of the net increase of revenue during any year of the second three years' lease to the jumma thereof. *Thirdly.* At the end of the ten years, a permanent settlement shall be concluded for such lands as may be in a state of cultivation sufficiently advanced to warrant the measure, on such terms as Government may deem fair and equitable; due regard being had to the actual state of the country, and its means and capability of further improvement. *Fourthly.* Persons fulfilling their engagements for the first three years, shall have the option of renewing the same for the second period on the prescribed terms, and so on for the third period.

Rescinded by Sec. ii. Reg. V. 1805

At the expiration of the second, a further engagement to be formed for four years; conditions.

See Reg. IX. 1812.

See Sec iii. Reg. V. 1808.

Claims not preferred within six months from issuing the proclamation of the 14th of July, 1802, shall not be entitled to possession before the expiration of the first lease; and if not preferred within three years, not until the completion of the ten years.

But this rule not to restrict the right of preferring claims.

Third. Persons holding claims to lands for which engagements have been entered into by the present possessors, and who did not prefer their claim to regain possession of the same within six months from the date (as recorded in the several zillahs) of issuing the proclamation by the Board of Commissioners of the 14th of July, 1802, such claimants shall not be entitled to be put in actual possession before the expiration of the first lease of three years; and claims not preferred within the aforesaid period of three years shall not entitle the claimant to regain possession until the expiration of the ten years. But this rule shall not be construed to restrict persons from preferring their claims at any time within the ten years.

See Secs ii. and iii. Reg V 1808.

Settlements to be made in all practicable cases with the zemindars.

Where a zemindar's proposals are rejected, case to be reported to the Board of Revenue.

Fourth. In all cases the settlement shall be made with the zemindars, provided they offer a fair and equitable jumma. Where a collector may judge it inexpedient to form a settlement with a zemindar, he shall hold proceedings on the subject, detailing at large his reasons for rejecting the claim, with every information he may have obtained relative to such zemindar, and at the same time receiving the zemindar's answer to the

objections urged to his claim. The collector shall then transmit the whole of his proceedings to the Board of Revenue, and await their determination on the same.

Rescinded by Sec. v. Reg. VII. 1822.

Fifth. [*Where a zemindar may decline entering into engagements for his estate, he shall be allowed, for the present, the same nankar which he may have been accustomed to receive under the government of the Nawaub Vizier; and, in like manner, where the Board of Revenue may reject the claim of a zemindar to enter into agreements with Government, and such zemindar may have been in the receipt of nankar under the late Government, such rate of nankar shall be continued to him for the present; provided that, in either case, the rate of such allowance shall not exceed the sum of ten per cent. on the jumma of the estate.*]

A zemindar declining to form a settlement, is to receive the same nankar as he would have received under the Nawaub's government.

The same allowance to be granted on his claim to form a settlement being rejected.

The rate of nankar not to exceed ten per cent.

Sixth. Where a zemindarry may have been mortgaged, or transferred as security for a debt, and actual possession given to the mortgagee or surety, the settlement shall be made with such mortgagee or surety in possession, leaving the zemindar at liberty to adjust his accounts with the actual possessor, or to sue for redress in a court of justice.

Settlement for zemindarries mortgaged to be made with the mortgagee.

Seventh. In large zemindarries containing several dependent talooks or estates, of which the actual proprietors may be now, and have been for a length of time, in undisturbed possession, the principal zemindars being no more than the immediate channel of receiving the dues of Government, the settlement shall be made with such dependent talookdars separate and distinct from the engagement of the principal zemindars; provided, however, that the talookdars shall be desirous of such separation or the zemindars shall require it.

Settlement to be made with talookdars, where they have been long in possession and the zemindar has been only the channel of receiving the dues of Government.

Eighth. In the event of the zemindar considering himself aggrieved by a separation made in conformity to the above clause, or of a talookdar being dissatisfied at not being separated from a zemindarry, agreeably to what he may have considered as his right, in either case, the party considering himself aggrieved shall be at liberty to sue for redress in a court of justice. The collectors shall not suffer such disputed claim to interfere with, or delay the immediate conclusion of the settlement, which, in all doubtful cases, shall be made with the person in possession.

Claims to the right of separation betwixt a zemindar and talookdar to be determined by a court of justice.

Ninth. Where zemindars, or other actual proprietors, shall decline entering into engagements for their respective estates, or where there are no proprietors, a village settlement shall be made for three years, giving the preference to the mokuddums, purdhauns, or any respectable ryot of the village; but no person, not an actual proprietor, shall (so far as may be practicable) be allowed to engage for more than one assillee village, and its dakhillee or dependent villages.

Where neither a zemindar nor proprietor may engage, a village settlement to be made for three years.

Tenth. Persons of every description, whether proprietors or not, shall give security equal to one-fourth of the stipulated amount of their annual engagements, in default of which their proposals shall be rejected.

Security to be given equal to one-fourth of the annual engagement.

Eleventh. All persons with whom a settlement may be made, shall bind themselves by a written obligation, under such reasonable penalty as the collectors may think proper to determine, to grant pottahs or leases to the ryots and under-renters of every description, specifying the amount they are respectively to pay; and counter engagements shall be executed by the ryots and under-renters of a similar tenour and purport.

Persons entering into engagements shall become bound to grant pottahs to the ryots;

who shall execute counter engagements.

Twelfth. In granting pottahs to the ryots and other under-renters, and in receiving cabooleats from them, all authorized and established abwaubs

All abwaubs to be consolidated with the land rents.

shall be consolidated with the land rent and formed into one jumma, which shall be expressed in a gross sum in the pottahs and cabooleats; and the imposing or levying new abwaubs shall be strictly prevented.

Engagements with Government to be exclusive of sayer.

Thirteenth. All engagements entered into with Government shall be exclusive of sayer duties, and of all other collections not connected with the land revenue, hitherto levied under the denomination of zemindarry and tannahdarry duties. The cabooleats executed by zemindars and other actual proprietors of land, shall contain a clause restricting them from collecting sayer duties, or any other duties whatever, in their respective tenures. And the collectors are required to explain fully the nature and extent of this restriction, in order that persons desirous of entering into engagements may regulate their proposals accordingly. Nankar, and pensions of every description, shall be paid by Government from its own treasuries; and no deductions whatever shall be admitted on these or on any other accounts.

Cabooleats of zemindars to restrict the collection of sayer.

Nankar and pensions to be paid from the treasury of Government.

A khas or bowlee settlement to be made where no other can be formed.

In politch lands, Government to receive five, and the ryot three passerees.

In chunchur, Government to receive two, and the ryot six.

In bunjer, Government to receive one, and the ryot seven.

Chunchur after one, and bunjer after two years, to be equal to politch lands.

Bunjer after one, to be equal to chunchur.

Bhaint to be abolished.

Putwarries to be found by the ryot, mussaut by Government.

Ryots to engage to keep up the cultivation.

Fourteenth. Where neither the proprietors nor farmers may tender suitable conditions of agreement, a khas or bowlee settlement shall be made with the ryots, stipulating the shares they are to get from the different kinds of land, as follows:—In politch lands, or such as are in full cultivation, Government shall receive five passerees and the ryot three passerees. In chunchur lands, or such as have not been cultivated for two or three years, Government shall receive two and the ryot six passerees. In bunjer, or waste lands, Government shall receive one and the ryot seven passerees. Chunchur lands after one, and bunjer lands after two years, shall be considered equal to politch; and further, the bunjer lands after one year shall be taxed equal to chunchur. In the khas settlement, the bhaint or nuzzeranna shall be abolished; the putwarries' wages shall be borne by the ryots; but the mussaut, or measuring and valuing the crops, shall be defrayed by Government, in consideration of the additional passeree received out of the politch crop. In all cases where crops are valued, it shall be done according to the price-current of the day. In the khas settlement, the ryots shall engage that the cultivation of the lands shall not fall off, and that they shall not undertake the cultivation of new lands until they have accomplished that of the old.

Collectors to take under their own charge the large zemindarries and such other lands as they can superintend.

Fifteenth. The collectors shall, in all cases whatever, take under their own immediate management the settlement and collections of all the large zemindarries; and further, that of all such other lands as they can superintend without detriment to their general avocations.

Proprietors paying their revenue immediately to Government to maintain a police.

Sixteenth. The proprietors of such estates as shall pay their revenues immediately into the treasury of a collector, shall become responsible for entertaining an efficient police in their respective estates, subject to such general rules and regulations as may be hereafter enacted; with an exception as to cities, large towns, and principal gunges, the expenses of the police of which will be defrayed by Government.

See Secs. iii. iv. and xv. Reg. XIV. 1807.

Collections from large farms to be paid, in certain cases, into the treasury of the collector, in place of being received through the medium of a tehseeldar.

Seventeenth. In cases where lands to a considerable amount shall be let in farm to one individual, and Government, from the report of the Board of Revenue, shall be of opinion that the other avocations of the collector will admit of the measure, the collections from such farm shall be paid immediately into the treasury of the collector, instead of being received through the medium of a tehseeldar.

A.D. 1803. REGULATION XXVIII.

COMPARATIVE TABLE.

II. 1.	———	Sec. II. Regulation XLV. 1795.†
2.	———	II. „ VII. 1799.
III.	———	III. „ XLV. 1795.†
IV.	———	IV. „ XVII. 1793.
V.	———	III. „ VII. 1799.
VI. VII.	———	VI. VII. „ XVII. 1793.
VIII.*	———	VIII. „ XVII. 1793. IV. „ VII. 1799.
IX. to XVI.	———	XI. to XVIII. Regulation XVII. 1793.
XVII. 1.	———	XIX. „ „
2.	———	IX. Regulation VII. 1799.
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XIX. 1.	———	Part of XXI. Regulation XVII. 1793.
2.	Superseded.	*Part of X. Reg. VII.* 1799—Superseded.
3.	Superseded.	*XI.* „ „ Superseded.
XX. 1.*	———	Part of V. „ XXXV. 1795. Part of IV. „ VII. 1799.
2.	———	V. „ „
3.	Superseded.	*Part of VI.* „ „ Superseded.
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XXV. XXVI.	———	XXVII. XXVIII. Reg. XVII. 1793.
XXVII. 1.	Superseded.	*XXIX.* „ „ Superseded.
2.	„	*VI. Regulation VII.* 1799—Superseded.
3.	Part superseded.	VIII. „ XXXV. 1795.
4.	Superseded.	*VII.* „ *VII.* 1799. Superseded.
XXVIII.	———	XXX. „ XVII. 1793.
XXIX. to XXXI.	———	XXXII. to XXXIV. Reg. XVII. 1793.
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XXXV.	Superseded.	*XVIII.* „ Superseded.
XXXVI. XXXVII.	———	XIX. XX. „
XXXVIII.	———	Part of XII. „

† Clause 1 of Section ii. and Section iii. are taken from Sections ii. and iii. Regulation XLV. 1795; those sections being the adaptation to Benares of Sections ii. and iii. Regulation XVII. 1793.

A REGULATION *for empowering Landholders and Farmers of Land, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, to distrain and sell the personal property of their Under-farmers and Ryots, for Arrears of Rent or Revenue; and for preventing such Landholders and Farmers of Land from confining, or inflicting corporal Punishment on their Under-farmers and Ryots, or their Sureties:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. IT being essential to the prosperity of the country and the punctual collection of the public revenue, that landholders and farmers of land

should have the means of compelling payment from defaulters, without being obliged to have recourse to the courts of justice and incurring the delay and expense necessarily attending a law process for the recovery of every arrear, and that under-farmers, ryots, and dependent zemindars, should be protected from oppression and unjust demands, the Governor-General in Council, with a view to the attainment of these important objects, has passed the following rules.

II. *First.* Zemindars and other actual proprietors of land, talookdars, and farmers of land, who hold their farms immediately of Government, [*&c. as in Section II. Regulation XLV.* 1795, *omitting the last sentence*].

Second. The talookdars, zemindars, and other landholders and farmers of land, empowered by the above clause to distrain the crops, cattle, and other personal property, [*&c. as in Section II. Regulation VII.* 1799, *substituting* "Section XXIX. of this Regulation" *for the corresponding* "Section XXXII. of Regulation XVII. 1793," *and* "the Regulations" *for* "Regulation XVII. 1793, or of Regulation XXXV. 1795, or of any other Regulation"].

III. [*Same as Section III. Regulation XLV.* 1795.]

IV. [*Same as Section IV. Regulation XVII.* 1793, *substituting* "zemindars or putteedars" *for* "talookdars."]

V. Under-tenants, of every description, are to be considered defaulters, [*&c. as in Section III. Regulation VII.* 1799].

VI. [*Same as Section VI. Regulation XVII.* 1793, *substituting* "zemindar or putteedar" *for* "talookdar."]

VII. [*Same as Section VII. Regulation XVII.* 1793.]

Distrainers to furnish the person they may depute to distrain, with a writing, specifying the amount of the arrear and the date on which it became due.

[*XVII.* 1793, *Sec. xxii., and VII.* 1799, *Sec. iv.*]

Copy of the writing, with list of the property distrained, *&c.*

Amount of the arrear, and notice of the intended sale, to be delivered to the defaulter.

See Sec. xiii Reg. V. 1812 and Act VIII 1848.

VIII. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter a writing, under their signature, specifying the amount of the arrear for which the attachment may be issued and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment; and, on the day on which he may attach the property, shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached, and the name of the place where it may be lodged or kept, with a notice setting forth the amount of the arrear due, and stating the intention of the distrainer to bring the attached property to immediate public sale for the discharge of it, unless the amount and expenses of the attachment be previously paid. If the defaulter, on receiving this notice, shall neglect to pay the amount due from him, or to give such assurance of early payment as may be satisfactory to the distrainer; or if the defaulter shall have absconded or be otherwise absent, so that the notice cannot be served on him, the distrainer is to transmit an inventory of such part of the attached property as can be brought to immediate sale to the nearest

*cauzy,** *or other* public officer empowered to sell distrained property, with a written request that he will cause the same to be publicly sold for the discharge of the arrear due; the amount of which is also to be specified in the application, together with the place where the property may be in attachment, and (if it be the intention of the distrainer to remove it under the discretion vested in him by Section X. of this Regulation) the place to which it is intended to remove it. The *cauzy,** *or other* authorized officer, on receipt of such application, is to proceed as directed in Section XX. of this Regulation. If the defaulter shall be absent, a copy of the above writing, with the prescribed endorsement, shall be fixed up or left at his usual place of residence, before the expiration of the third day calculating from the day of the attachment. If any person vested with the power of distraint shall cause property to be attached, without furnishing the agent whom he may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed, and shall omit to deliver a copy of it, with the required endorsement, to the defaulter, or in the event of his absence, to leave such copy at his usual place of residence within the period limited; the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay all costs of suit.

Inventory and particulars to be transmitted by distrainer to *cauzy or other* officer empowered to sell distrained property.

Cauzy or other officer how to proceed on receiving applications for the sale of distrained property.

Copy of the writing to be left at his place of residence, if the defaulter is absent.

Penalty

See Secs. xv. and xvi. Reg. V 1812.

IX. to XV. [*Same as Sections XI. to XVII. Regulation XVII.* 1793.]

XVI. [*Same as Section XVIII. Regulation XVII.* 1793, *substituting* "dependent zemindar or putteedar" *for* "dependent talookdar."]

XVII. *First.* [*Same as Section XIX. Regulation XVII.* 1793, *substituting* "dependent zemindar or putteedar" *for* "dependent talookdar."]

Second. [*Same as Section IX. Regulation VII.* 1799, *substituting* "the above clause" *for the corresponding* "Section XIX. Regulation XVII. 1793."]

XVIII. [*Same as Section XX. Regulation XVII.* 1793.]

XIX. *First. Same as the first and last paragraphs of the four in Section XXI. Regulation XVII.* 1793.]

Second. [*Same as the italic part of Section X. Regulation VII.* 1799, *substituting* "tehseeldar" *for* "darogah."—*Superseded.*]

Third. [*Same as Section XI. Regulation VII.* 1799, *substituting* "tehseeldar" *for* "police darogah."—*Superseded.*]

See Sec. xiii. Reg. V. 1812.

XX. *First.* After the expiration of the fifth day and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or if the

Rules regarding the sale of distrained property.

[*XXXV.* 1795, *part of v., and VII* 1799, *part of iv.*]

* It is enacted by Act I. 1839, that no person shall have authority by virtue of any office to sell property distrained for arrears of rent, and that it shall be lawful for the collectors to appoint commissioners for the sale of distrained property.

property attached shall consist of crops or other ungathered products of the earth, after the elapse of the fifth day and before the expiration of the eighth day, commencing from the day following the day on which such crops or products may have been stored as directed in Section XI., the distrainer shall apply to the *cauzy of the pergunnah, or other** authorized officer, to have the same appraised and sold. Upon the receipt of such application the officer shall proceed as follows:—He shall fix up on the outer door of his own house, and at the place at which he may determine to dispose of the property, a list of the property attached, with a notice, which shall specify; First, the place at which the property is to be sold, which shall be on the spot where it may be lodged by the distrainer, or at the nearest gunge, bazar, or haut, or any place of public resort, where the officer may be of opinion it is likely to sell to the best advantage. Secondly, the day on which it is to be sold; which shall be as early a day as may be compatible with a due observance of the other directions contained in this section. Thirdly, the time of the day when the sale is to be made; which shall be during the hours of business, when the greatest number of people may be supposed to assemble. The publication of the intended rule shall also be made by beat of drum, on one market-day, at the least, before the market-day on which the sale shall take place, as well as on the morning of the day of the sale. And the sale shall in no case take place before the expiration of five complete days after the attachment, exclusive of the day on which the attachment may have been made. The same principle is to be observed with respect to the sale of ungathered products, after the distrainer shall have gathered and stored them, as required by Section XI.; and which are not to be sold until publication shall have been made as above directed. The officer shall nominate two creditable persons, competent by their profession, trade, or occupation, to appraise the property. The persons so appointed shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their signatures, and shall certify in writing at the foot of the paper, that they have appraised the property according to the best of their knowledge and judgment. The officer shall affix his seal to the paper of appraisement, and cause it to be stuck up on the outer door of his own house and at the place where the property is to be sold. The property shall be brought to the place of sale on the morning of the day of sale, in order that it may be examined by the persons intending to bid; unless it shall consist of grain or other products of the earth, the removal of which would be attended with considerable expense, in which case samples only, indiscriminately taken from each article, shall be brought to the place of sale, and exposed for the purpose above mentioned. The property shall be put up to sale in one lot, or in two or more lots, as the officer may think advisable. The property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear and the expenses attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging

Distrainer to apply to the *cauzy of the pergunnah* to sell the property.

Acts to be done by the *cauzy or officer* on receipt of the application; viz. to publish at the places herein specified a list of the property:

the place of sale;

the day of sale;

the hour of the day when the sale is to be made.

Publication to be made by beat of drum.

No sale to take place before the expiration of five days from the attachment.

The same rule in regard to products ungathered at the time of attachment.

To appoint appraisers to value the property.

See Sec. xviii. Reg. V. 1812.

To fix up the paper of appraisement at the places herein specified.

To cause the property, or samples of it, to be brought and exposed at the place of sale.

To put up the property to sale in one, or two, or more lots.

See Sec. xix. Reg. V. 1812.

To dispose of the property to the highest bidder.

To return any overplus in the proceeds to the defaulter.

To sell further property for any deficiency;

* See note at Section viii.

to the defaulter, and to cause it to be sold to make good the deficiency. The officer is, in every case, to examine the defaulter's statement of the expenses consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint shall sell or dispose of property which he may have attached for arrears of rent or revenue, in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.

and to examine and check the distrainer's statement of expenses attending the attachment and sale.

Penalty for distrainers disposing of distrained property in any manner excepting that herein directed.

Second. [*Same as Section V. Regulation VII.* 1799, *substituting* "this section" *for the corresponding* "Section V. of Regulation XXXV. 1795."]

Third. [What cauzies competent to sell distrained property—*Superseded by Act I.* 1839.]

XXI. to XXIII. [*Same as Sections XXIII. to XXV. Regulation XVII.* 1793, *inserting* "or officer" *after cauzy.*]

XXIV. [*Same as Section VII. Regulation XXXV.* 1795.]

XXV. [*Same as Section XXVII. Regulation XVII.* 1793.]

XXVI. [*Same as Section XXVIII. Regulation XVII.* 1793, *substituting* "dependent zemindar or putteedar" *for* "dependent talookdar."]

XXVII. *First.* [*Same as Section XXIX. Regulation XVII.* 1793—*Superseded.*]

Second. [*Same as part of Section VI. Regulation VII.* 1799—*Superseded.*]

Third. [*Same as Section VIII. Regulation XXXV.* 1795—*Part superseded.*]

Fourth. [*Same as Section VII. Regulation VII.* 1799—*Superseded.*]

XXVIII. [*Same as Section XXX. Regulation XVII.* 1793, *omitting* "managers of the estates of disqualified landholders."]

XXIX. XXX. [*Same as Sections XXXII. and XXXIII. Regulation XVII.* 1793, *substituting* "dependent zemindar or putteedar" *for* "dependent talookdar," *and adding the following from Section XIII. Regulation V.* 1800, *to Section XXX.*]

See Sec. iv. Reg. II. 1821; Reg. V. 1831; Acts XI. 1836; III. 1839, and See vii. Act VI. 1843.

But this shall not be construed to restrict the native *commissioners appointed under Regulation XVI.* 1803, from taking cognizance of any suits of the above description (the amount of which they may be competent to decide *by that Regulation*), whether preferred to them in the first instance in their capacity of munsiffs, *or referred to them by the judge of the Dewanny Adawlut, under the provisions in that respect established in the afore-mentioned Regulation.*

This not to restrict native *commissioners* from taking cognisance of suits for rent or revenue.

XXXI. [*Same as Section XXXIV. Regulation XVII.* 1793.]

XXXII. *First.* Any talookdar, zemindar, or other proprietor or farmer

of land, to whom an arrear of rent may be due from a dependent zemindar or other under-tenant, of whatever denomination, [*&c. as in Clause First, Section XV. Regulation VII.* 1799].

Second. [*Same as Clause Second, Section XV. Regulation VII.* 1799, *substituting* "Regulation XVI. 1803," *for* "Regulation XL. 1793."]

Third. [*Same as Clause Third, Section XV. Regulation VII.* 1799.]

Fourth. [*Same as Clause Fourth, Section XV. Regulation VII.* 1799, *excepting a slight difference in the part superseded.*]

Fifth. [*Same as Clause Fifth, Section XV. Regulation VII.* 1799, *substituting* "Section X. Regulation III. 1803," *for the corresponding* "Section VIII. Regulation IV. 1793."]

Sixth. [*Same as Clause Sixth, Section XV. Regulation VII.* 1799.]

Seventh. [*Same as Clause Seventh, Section XV. Regulation VII.* 1799, *omitting the Bengal and Willaity year, inserting* "talookdar" *before* "zemindar" *in the fourth line, and substituting* "dependent zemindar" *for* "dependent talookdar."]

Eighth. [*Same as the first half of Clause Eighth, Section XV. Regulation VII.* 1799, *omitting from* "The execution of specific engagements," *and substituting* "dependent zemindar" *for* "dependent talookdar."]

XXXIII. XXXIV. [*Same as Sections XVI. and XVII. Regulation VII.* 1799.]

XXXV. [No appeals from summary decisions—stamps to be used—*Superseded by Sections IV. and VII. Regulation VIII.* 1831.]

XXXVI. [*Same as Section XIX. Regulation VII.* 1799, *substituting* "this Regulation" *for* "the whole of the preceding sections," *and omitting* "of the estates of disqualified landholders and of joint undivided estates."]

XXXVII. The provisions in Section XXXII. as far as they can be applied, are likewise declared to extend to the Sudder and Mofussil Amlah, [*&c. as in Section XX. Regulation VII.* 1799, *substituting* "Section XXXII." *for* "Section XV."].

XXXVIII. [*Same as the last paragraph of Section XII. Regulation VII.* 1799, *beginning* "It is further hereby declared"—*substituting* "Regulation XVI. 1803," *for the corresponding* "Regulation XL. 1793."]

A.D. 1803. REGULATION XXIX.

Reg. XXIX. 1803

A REGULATION *for defining the Duties of the Putwarries, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Rescinded by Section II. Regulation XII. 1817.]

A. D. 1803. REGULATION XXX.*

Reg. XXX. 1803.

A REGULATION *prescribing Rules for the Grant of Pottahs by the Landholders, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, to their Under-farmers, Tenants, and Ryots:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. WHEREAS it is declared, in the proclamation published on the 14th of July, 1802, by the Honourable the late Lieutenant-Governor and the Board of Commissioners, in the provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier, relative to the settlement of the land revenue in those provinces, and in Section LIII. Regulation XXVII. 1803, that all persons who may enter into engagements with Government for the public revenue, shall bind themselves to grant pottahs to their under-renters and ryots, in which all authorized abwaubs shall be consolidated with the land rent (or assul jumma) and expressed in a gross sum; that counter engagements shall be executed by the ryots and under-renters of a similar tenour; and that nothing but what is therein expressed shall be collected from the ryots or under-renters, of whatever description. And whereas it is essential to the mutual rights and interest of zemindars and other landholders and farmers of land, and of their under-renters, tenants, and ryots, that the terms and conditions of all engagements entered into between them, for the payment of rents, should be clearly and specifically defined, whereby the courts of justice, in all cases of exaction, evasion, or litigation, may be enabled to ascertain and determine the exact amount demandable. And whereas it is necessary, with the view of effecting the important objects above stated, that rules should be prescribed for regulating the grant of pottahs in such cases: the following rules have been accordingly enacted for this purpose.

* This Regulation is framed upon the rules respecting pottahs in Reg. VIII. 1793, and LI. 1795; but the majority of the adapted sections differ so much from the original rules, that it has been deemed advisable to print the Regulation *in extenso.*

Actual proprietors to let their lands, under the prescribed restrictions, in whatever manner they may think proper.
[*VIII.* 1793, *lii.*]

II. Every zemindar, or other actual proprietor of land or farmer of land, who may have entered into engagements with Government for the public revenue of his zemindary, or other estate or farm, shall be at liberty to let the lands of his zemindary, or other estate or farm, under the restrictions prescribed by this Regulation, and by any other Regulation published in conformity to Regulation I. 1803, in whatever manner he shall think proper, consistently with the rights of the dependent talookdars, ryots, or other descriptions of under-tenants and cultivators of the soil; but every engagement contracted with dependent talookdars, under-renters, tenants, and ryots, or tenants of whatever denomination, shall be specific as to the amount and conditions of it; and all sums received by any actual proprietor of land, or any farmer of land, of whatever description, over and above what is specified in the engagements of the persons paying the same, shall be considered as extorted, and be repaid with a penalty of double the amount.

Subject to certain restrictions.
[*VIII.* 1793, *liii.*]

III. No person contracting with a zemindar, independent talookdar, or other actual proprietor or farmer of land, or employed by him in the management of the collections, shall be authorized to take charge of the lands or collections, without an aumilnamah or written commission signed by such zemindar, independent talookdar, or other actual proprietor or farmer of land.

The delivery of pottahs, under this Regulation, to be completed by the expiration of the Fussily year 1215.
[*VIII.* 1793, *liv.*]

IV. The impositions upon the ryots, under the denomination of abwaub, mhatoot, and other appellations, from their number and uncertainty, being intricate to adjust and a source of oppression to the ryots, all proprietors and farmers of land were required by the proclamation published on the 14th of July, 1802, by the Honourable the late Lieutenant-Governor and Board of Commissioners, in the ceded provinces, to consolidate the whole of the authorized abwaubs with the assul jumma, and to grant pottahs to their under-renters and ryots for a specific sum. As a sufficient period of time will have elapsed, during the second triennial settlement of the land revenue in the ceded provinces (which will expire with the Fussily year 1215), to enable the proprietors and farmers of land to complete the adjustment and delivery of pottahs for the whole of their lands in the mode prescribed, the expiration of the Fussily year 1215 is hereby declared to be the period fixed for the general delivery of pottahs, as hereafter specified.

Proprietors and farmers of land prohibited imposing any new abwaub or mhatoot on the ryots, and penalty in case of disobedience.
[*VIII.* 1793, *lv.*]

V. No actual proprietor of land, or dependent talookdar, or farmer, or tenant of land, of whatever description, shall impose any new abwaub or mhatoot upon the ryots, under-tenants, or cultivators, under any pretence whatever. Every exaction of this nature shall be punished by a penalty equal to three times the amount imposed; and if, at any future period, it be discovered that new abwaub or mhatoot have been imposed, the person imposing and receiving the same shall be liable to this penalty for the entire period of such impositions.

Variations of pottah according to articles of produce admitted under certain restrictions.
[*VIII.* 1793, *lvi.*]

VI. It is expected that, in time, the proprietors of land, dependent talookdars, and farmers of land, and the ryots, will find it for their mutual advantage to enter into agreements, in every instance, for a specific sum,

See Sec. iii. Reg V. 1812

for a certain quantity of land, leaving it to the option of the latter to cultivate whatever species of produce may appear to them likely to yield the largest profit. Where, however, it may be the established custom to vary the pottah rent for lands according to the articles produced thereon, and the actual proprietors of land, dependent talookdars, or farmers of land, and ryots, in such places, shall prefer an adherence to this custom, the engagements entered into between them shall specify the quantity of land, species of produce, rate of rent, and amount thereof, with the term of the lease; and a stipulation that, in the event of the species of produce being changed, a new engagement shall be executed for the remaining term of the first lease, or for a longer period if agreed on; and in the event of any new species being cultivated, a new engagement, with the like specification and clause, shall be executed accordingly.

What the pottahs to be delivered to the ryots are to contain. [*VIII.* 1793, *lvii.*]

VII. *First.* The rents to be paid by the ryots, by whatever rule or custom they shall be regulated, shall be specifically stated in the pottah, which, in every possible case, shall contain the exact sum to be paid by them.

Rule where the rate only can be specified, and for payments in kind.

Second. In cases where the rate only can be specified, such as where the rents are adjusted upon a measurement of the lands after cultivation, or on a survey of the crop, or where they are made payable in kind, the rate and terms of payment, and proportion of the crop to be delivered, with every condition, shall be clearly specified.

Rescinded by Sec. iii. Reg. V. 1812.

Proprietors of land to prepare forms of pottahs. [*VIII.* 1793, *part of lviii.*]

Ryots entitled to corresponding pottahs on application for the same.

VIII. [*Every zemindar, independent talookdar, or other actual proprietor of land, and every dependent talookdar and farmer of land, shall prepare the form of a pottah or pottahs, conformably to the rules above prescribed, and adapted to the circumstances of his estate, talook, or farm; and every ryot shall be entitled to receive corresponding pottahs on application for the same.*]

Rules for determining disputes regarding the rates of pottahs to be granted under this Regulation. [*IV.* 1794, *vi.*]

IX. If a dispute shall arise between the ryots, or other under-tenants, and the persons from whom they may be entitled to demand pottahs, regarding the rates of the pottahs (whether the rent be payable in money or kind), it shall be determined in the Court of Adawlut of the zillah in which the lands may be situated, according to the rates established in the pergunnah for lands of the same description and quality as those respecting which the dispute may arise, or according to the legal and established rights of the parties, whether the same be ascertainable by written engagements or defined by the laws and regulations, or defined upon general or local usage which may be proved to have existed from time immemorial; this Regulation not being meant to define or limit the actual rights of any description of landholders or tenants, which can be properly ascertained and determined by judicial investigation only.

Modified by Reg. V. 1812.

Rule in the preceding section applied to the renewal of pottahs that may expire or become cancelled under Reg. XLVII. 1803. [*IV.* 1794, *vii.*]

X. The rules in the preceding section shall be considered applicable, not only to the pottahs which the ryots and other under-tenants are entitled to demand in the first instance, under the proclamation published by the late provisional Government in the ceded provinces, dated the 14th July, 1802, under the Eleventh and Twelfth Clauses of Section LIII. Regulation XXVII. 1803, and under this Regulation, but also to the

renewal of pottahs or leases which may expire or become cancelled under Regulation XLVII. 1803.

Ryots may demand pottahs of proprietors of land and farmers, who are also required to grant them.

Penalty in case of refusal

[*VIII* 1793, *his*]

See Sec. in. Reg. V. 1812.

XI. A ryot, when his rent has been ascertained and settled, may demand a pottah from the actual proprietor of land, dependent talookdar, or farmer, of whom he holds his lands, or from the person acting for him; and any refusal to deliver the pottahs, upon being proved in the Court of Adawlut of the zillah, shall be punished by the court, by a fine proportioned to the expense and trouble of the ryot, in consequence of such refusal. Actual proprietors of land, dependent talookdars, and farmers, are also required to cause a pottah for the adjusted rent to be prepared and tendered to the ryot; either granting such pottah themselves or intrusting their agent to grant the same. No farmer, however, shall grant a pottah extending beyond the period of his own lease; nor shall any agent grant a pottah without authority from the proprietor or dependent talookdar, or the manager of disqualified proprietors.

Restrictions on farmers and agents in granting pottahs

Restrictions relative to the assessment of certain descriptions of istimrardars, who are to be considered as leaseholders.

See Reg I. 1815.

XII. Nothing contained in this Regulation shall be construed to authorize any zemindar, or other actual proprietor of land, or any farmer of land, or any other person whatever, to demand an increase of rent from any mocurrerydar, istimrardar, or other description of under-tenant of land, who, at the period of the cession of the Nawaub Vizier to the English East-India Company, on the 10th of November, 1801, shall have been entitled to hold his tenure at a fixed annual rent, and shall have actually held the same at a fixed invariable amount, for twelve complete years before that period. On the contrary, any such under-tenants, provided they shall clearly establish that, by the conditions of their tenures, they were not liable to any increase of rent, and that they actually paid a fixed invariable annual rent during the above period, are hereby declared exempt from all enhancement of their fixed rent by any proprietor or farmer of land, or by any officer of Government, during the continuance of their tenures, according to the terms and conditions thereof.

A.D. 1803. REGULATION XXXI.†

COMPARATIVE TABLE.

I.*	———	Sec. I. Regulation XIX. 1793.
II. 1.*	———	Cl. 1. II. „
2.*		
3.*	———	2. II. „
4 & 5.*	———	3 & 4. II. „
6.*	———	part of Cl. 5, Sec. II. Regulation XIX. 1793.
7 & 8.*		
III. 1 & 2.*	———	Cls. 1 & 2, Sec. III. „
IV.*	———	Sec. IV. „
V.*		
VI.	———	X. „
VII. VIII. IX.	Rescinded.	*XII. XIII. XIV.* „ Rescinded.
X.	———	XV. Regulation XIX. 1793.
XI.	Rescinded.	*XVI.* „ Rescinded.
XII. XIII.	———	XVII. XVIII. „
XIV.	Rescinded.	*XIX.* „ Rescinded.
XV.	———	XX. „
XVI. 1.*	———	Cl. 1. XXI. „
2.*	———	3. XXI. „
XVII.	———	{ XXII. „ XI. Regulation VIII. 1800.
XVIII. XIX.	———	XXIII. XXIV. Regulation XIX. 1793.
XX.* XXI.*	———	XXV. XXVI. „
XXII. to XXVI.	———	XXVII. to XXXI. „
XXVII.*	———	XXXII. „
XXVIII. to XXXVI.	———	XXXIII. to XLI. „
XXXVII.	———	{ XLII. „ XV. Regulation VIII. 1800.
XXXVIII. XXXIX.	———	XLIII. XLIV. Regulation XIX. 1793.
XL.	———	III. Regulation LVIII. 1795.
XLI. XLII. XLIII.	———	XLV. XLVI. XLVII. Reg. XIX. 1793.
XLIV.*	———	XLIX. „

The following parts of Regulation XIX. 1793, are omitted in this Regulation:—Part of Clause 5, Sec. ii.; Clauses 3 and 4, Sec. iii.; Secs. v. vi. vii. viii. ix. xi.; Clause 2 of Sec. xxi., and Sec. xlviii.

A REGULATION *for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Public Revenue, under Grants not being badshahee or royal Grants, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company; for determining the amount of the Annual Assessment to be imposed on Lands so held, which may become subject to the Payment of public Revenue; and for forming a periodical Register of all Lands held exempt from the Payment of Public Revenue under Grants not being badshahee or royal:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the annual produce of every begah of land, excepting

† See note to Regulation XIX. 1793.

in cases in which that power shall have made a temporary or a permanent alienation of its right to such proportion of the produce, or shall have agreed to receive, instead of that proportion, a specific sum annually, or for a term of years, or in perpetuity. As a necessary consequence of this law, grants made by zemindars of any part of their lands, to be held exempt from the payment of revenue, were considered to be void, such grants being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Under the native Government, however, numerous grants of this description were made, not only by the zemindars, but by aumils and other officers of Government appointed to the temporary superintendence of the collection of the land revenue, under the pretext that the produce of the lands was to be applied to religious or charitable purposes. Of these grants, some have been applied to the purposes for which they were professed to have been made; but there are grounds for believing that they were generally given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the grantor, or sold to supply his private exigencies. The Governor-General in Council has determined to confirm to the grantees such of these grants as were made by a competent authority, prior to the 1st of January, 1801; and also all grants made at any period of time exceeding twelve years antecedent to the date of the transfer of the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company; provided that the grantee, in both cases, shall have had actual possession of the lands from the date of such grant: but grants which were made for life only being resumable on the death of the grantee, and many persons being supposed to possess lands exempt from the payment of revenue, under fabricated or invalid grants, or to have succeeded to life grants on the demise of the original grantee or former possessor, without the sanction of the Government, it is proper that the public dues thus alienated or retained, in opposition to the ancient and existing laws of the country, should be re-annexed to the public resources. It is likewise necessary that provision should be made for resuming the public revenue arising from lands the grants for which may hereafter expire. The principles of justice at the same time demand, that persons holding lands exempted from the payment of revenue, under titles that are declared valid, should be secured in the undisturbed possession of their grants. With this view, as well as to obviate all injustice or extortion, in the inquiry into the titles of persons holding lands exempted from the payment of revenue, the Governor-General in Council has resolved, that the claims of the public on all such lands (provided the grantees, or persons in possession, register their grants as required in this Regulation) shall be tried in the courts of judicature, in order that such exempted lands may not be subjected to the payment of revenue, until the title of the possessor shall have been judged invalid by a final judicial decree. With reference to the considerations above stated, and with a view to facilitate the recovery of the public dues from lands held exempt from the payment of revenue under invalid titles, as well as to prevent any similar alienations being hereafter made without the authority of the Governor-General in Council; and further, that Government and the officers employed in the collection of the public revenue

may at all times have in their possession a correct register of the lands in the several zillahs held exempt from the payment of revenue, under grants not being badshahee or royal, the following rules have been enacted.

See Secs. ii. and iii. Reg. XIV. 1825.

II. *First.* All grants for holding land exempt from the payment of revenue, made previously to the 10th day of November, 1789, corresponding with the 15th day of Kautick, 1196 Fussily, or the 21st day of Suffer, 1204 Higeree, by whatever authority, and whether by a writing or without a writing, shall be deemed valid, provided that the grantee actually and bonâ fide obtained possession of the land so granted, and held it exempt from the payment of revenue, previously to the date above mentioned, and that the land shall not have been subsequently rendered subject to the payment of revenue by the officers, or the orders of the Government. If it shall be proved *to the satisfaction of the court*, that the grantee did not obtain possession of the land so granted, or did not hold it exempt from the payment of revenue, previously to the date above specified, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government, the grant shall not be deemed valid.

Grants of alienated land made previous to the 10th of November, 1789, declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue. [*XIX.* 1793, *ii.* 1.]

Grants made before the date above specified of no validity, if possession was not obtained prior thereto, or the lands have been since subjected to the payment of revenue

Second. All grants for holding land exempt from the payment of revenue, which may have been made subsequently to the 10th day of November, 1789, and prior to the 1st day of January, 1801, by whatever authority, and which may have been confirmed or expressly admitted antecedently to the 1st day of January, 1801, by the authority of the existing Government, shall be deemed valid, provided the grantee actually and bonâ fide obtained possession of the land so granted, and held the same exempt from the payment of revenue, previously to the 1st of January, 1801, and the land shall not have been afterwards rendered subject to the payment of revenue by the officers or the orders of Government. If it shall be proved, *to the satisfaction of the court*, that the grantee did not obtain possession of the land so granted, or did not hold it exempt from the payment of revenue, previously to the 1st of January, 1801, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government, the grant shall not be deemed valid.

Grants made subsequently to the 10th November, 1789, and prior to the 1st January, 1801, by whatever authority, to be deemed valid, if confirmed or admitted by the existing Government; provided possession was obtained prior to the date last mentioned, and the land shall not have been rendered subject to the payment of revenue.

Third. In the event of a claim being preferred by any person to hold land exempt from the payment of revenue, under a grant made previously to the 10th day of November, 1789, or under a grant made subsequent to that date, but prior to the 1st day of January, 1801, and confirmed or admitted by the authority of the existing Government, and of its being proved *to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed*, that the grantee held the land exempt from the payment of revenue previously to the date specified, but that it was afterwards subjected to the payment of revenue by an officer of Government, and the *court* shall entertain doubts as to the competency of such officer, under the powers vested in him, to subject the land to the payment of revenue, the *court* shall suspend its judgment, and report the circumstances to the Governor-General in Council, to whom a power is reserved of determining whether such officer was or was not competent to subject the land to the payment of revenue; and upon receiving the

Courts to refer to the Governor-General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have subjected exempted land to the payment of revenue. [*XIX.* 1793, *ii.* 2.]

The Governor-Ge-

neral in Council reserves to himself the power of determining, in cases of doubt, as to the authority of any officer of the Nawaub Vizier, who may have made, confirmed, or admitted grants of land exempt from the payment of revenue.

In such cases, the *courts* will suspend their judgment, and report the circumstances to the Governor-General in Council.

determination of the Governor-General in Council, the *court* is to decide accordingly. In like manner, the Governor-General in Council reserves to himself the power of determining, in cases of doubt, whether any officer of the Nawaub Vizier who may have made, confirmed, or admitted grants of land exempt from the payment of revenue, in the name or on the part of the Nawaub, was competent to exercise such authority. The *Courts of Judicature* will accordingly suspend their judgment in cases of the above nature, and report the circumstances for the decision of the Governor-General in Council.

No persons, not being the original grantees, to be entitled to hold, exempt from the payment of revenue, lands now subject to the payment of revenue under grants for life made previous to the 1st of January, 1801.

[*XIX.* 1793, *s.* 3.]

Fourth. But no part of the three preceding clauses is to be construed to empower the *courts* to adjudge any person, not being the original grantee, entitled to hold land now paying revenue to Government, exempt from the payment of revenue, under any grant made previously to the 1st day of January, 1801, the writing for which may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usage of the country.

Nor to entitle the heirs of persons now possessing exempted lands under any life grants, whenever made, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

[*XIX.* 1793, *s.* 4.]

Fifth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue, under whatever grant, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where, from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country. Nor to entitle the heirs to any such person to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise, unless it shall be proved *to the satisfaction of the court*, that the grant, from the nature and denomination of it, is hereditary, according to the ancient usages of the country. But, upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the 1st day of January, 1801, the lands shall not be subjected to the payment of revenue under the decree, without the sanction of the Governor-General in Council, to whom a copy of the proceedings and decree of the *court* is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue, or not, as may appear to him proper.

Power reserved to the Governor-General in Council, of determining whether life grants, to which one or more successions of whatever nature may have taken place prior to the 1st of January, 1801, shall be subjected to the payment of revenue or not, on the death of the present possessor.

The present possessors of all life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

[*XIX.* 1793, *s. part of* 5.]

Sixth. The present possessors of lands held exempt from the payment of revenue, under all life grants declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives; and all such transfers and mortgages are declared illegal and void.

Any quantity of land, not exceeding ten begahs, held exempt from the payment of revenue

Seventh. Provided, however, that nothing herein contained shall authorize the subjecting to the payment of revenue any quantity of land, not exceeding ten begahs, held exempt from the payment of revenue under a

grant made prior to the 1st day of January, 1801, and bonâ fide appropriated as an endowment for temples, or for other religious or charitable purposes. Moreover, if any land so held and appropriated, exceeding ten begahs, shall become liable to assessment under the rules contained in this Regulation, and the *judge of the court before which the suit for the assessment of such land may be depending, or the* collector of the district, *if no judicial suit respecting it be depending*, shall be of opinion that the immediate assessment of such land would be productive of distress, he shall report the same, with the circumstances of the case, for the consideration of the Governor-General in Council.

under a grant made prior to the 1st of January, 1801, and bonâ fide appropriated to religious or charitable purposes, declared not subject to the payment of revenue.

If land so held or appropriated, exceeding ten begahs, shall become liable to the payment of revenue under this Regulation, the immediate assessment of which would be productive of distress, the circumstances of the case are to be reported to the Governor-General in Council.

Eighth. The *courts of justice* shall not take cognizance of any claim to hold exempt from the payment of revenue, either under the present Regulation or under Regulation XXXVI. 1803, land which may have been subjected to the payment of revenue for the period of twelve years prior to the 10th of November, 1801; nor of any claim to hold land exempt from the payment of revenue, which may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, unless the claimant can show good and sufficient cause for not having preferred his claim to a competent jurisdiction within that period, as required by Clause Third, Section XVIII. Regulation II. 1803.

Courts not to take cognizance of any claim to hold exempt from the payment of revenue land which may have been subjected to the payment of revenue for the period of twelve years prior to the 10th of November, 1801, or which may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, unless sufficient cause be shown for not having preferred the claim within that period.

See Sec. iii. Reg.XIV.1825.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 1st day of January, 1801, corresponding with the 19th Poose, 1207 Bengal era, the 1st Maug, 1208 Fussily, and the 19th Poose, 1208 Willaity, by any other authority than that of the British Government, and which may not have been confirmed by the Governor-General in Council or by an officer empowered to confirm them, are declared invalid.

All grants made or confirmed since the 1st of January, 1801, excepting by the authority of Government, or its officers duly empowered, declared invalid.

[*XIX.* 1793, *iii.* 1.]

Second. If doubts shall be entertained by any *court* as to the competency of the authority of any officer to confirm any such grant, the *court* is to suspend its judgment, and report the circumstances of the case to the Governor-General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant or otherwise; and the *court*, upon receiving the determination of the Governor-General in Council, shall decide accordingly.

Courts, how to proceed in the event of their entertaining doubt of the authority of the officer to confirm the grant.

[*Ib. iii.* 2.]

See Secs. xv. xvi. and xvii. Reg.VII.1822.

IV. This Regulation, as far as regards lands alienated previously to the promulgation of it, respects only the question, whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previously to the promulgation of this Regulation, and which, in conformity thereto, may become subject to the payment of revenue, is to be considered as a matter of a private nature, to be determined by the Courts of Adawlut, in the event of any dispute or claim arising respecting it between the grantee and the grantor, or their respective heirs or successors. The grantees or their present possessors, until dispossessed by a decree of the Adawlut, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates subject to the payment of revenue; and they are to execute engagements for the revenue with

Questions regarding the proprietary right in lands alienated before the promulgation of this Regulation, and adjudged liable to the payment of revenue, to be determined in the Adawlut; this Regulation with respect to such lands relating only to the revenue.

[*XIX.* 1793, *iv.*]

which their lands may be declared chargeable, under the rule stated in Section V. of this Regulation. If the proprietary right in the land shall be transferred by the decision of the Adawlut, the person succeeding thereto is, in like manner, to be responsible for the payment of the revenue assessed or chargeable thereon.

The revenue assessable on all lands which shall be adjudged or become liable to the payment of revenue under this Regulation, declared to belong to Government.

V. *First.* The revenue assessable on all lands which shall be adjudged or become liable to the payment of revenue under the present Regulation, is declared to belong to Government.

Under what rules lands rendered liable to the payment of revenue by this Regulation are to be assessed.

Second. The revenue payable to Government shall be regulated by the rules prescribed by Regulation XXVII. 1803, for concluding the settlement of lands paying revenue to Government; and by any subsequent rules which may be prescribed, relative to the assessment of lands subject to the payment of revenue to Government. If the proprietor shall not agree to the assessment so fixed, a report of his objections, and of the circumstances of the case, shall be made by the collector of the district, through the Board of Revenue, for the information of the Governor-General in Council, who will determine on the amount of the assessment: and if the proprietor shall refuse to engage for the same, the lands shall be let in farm, or held khas, under the rules contained in the existing Regulations.

VI. All grants for holding land exempt from the payment of revenue that may be made after the promulgation of this Regulation, by any other authority than that of the Governor-General in Council, are declared null and void, [*&c. as in Section X. Regulation XIX.* 1793].

VII. VIII. IX. [Suits by collectors for the recovery of invalid lakheraj.] —*Rescinded by Section II. Regulation VIII.* 1811, *and Clause Second, Section II. Regulation II.* 1819.

X. [*Same as Section XV. Regulation XIX.* 1793.]

XI. [Courts to award costs in cases of groundless prosecution.]—*Rescinded by Section II. Regulation VIII.* 1811, *and Clause Second, Section II. Regulation II.* 1819.]

XII. [*Same as Section XVII. Regulation XIX.* 1793, *omitting* "dated prior to the 1st December, 1790."]

XIII. [*Same as Section XVIII. Regulation XIX.* 1793.]

XIV. [Revenue to be paid from date of first decree for resumption.]—*Rescinded by Section II. Regulation VIII.* 1811, *and Clause Second, Section II. Regulation II.* 1819.]

XV. [*Same as Section XX. Regulation XIX.* 1793.]

Record of lands adjudged liable to the

XVI. *First.* When any land held exempt from the payment of revenue to Government shall be finally adjudged liable to the payment of revenue

under this Regulation, the name of the pergunnah (or other local division where there may be no pergunnah), sircar, and soubah, in which the land may be situated, with the exact number of villages or other subdivisions comprised therein, as particularized in the pergunnah register directed to be kept by Regulation XLII. 1803, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions directed to be kept by Section XXVIII.; and opposite to such entry the collector is to insert, in red ink, the number of the page in the periodical register, directed to be kept by Section XVII. in which the lands may stand recorded; and in the periodical register he is to specify, in red ink, the number of the page in the register of intermediate resumptions in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section XVI. Regulation XLII. 1803, in order that the land may be recorded in its proper place as an estate paying revenue to Government, in the next quniquennial register which may be formed agreeably to the above-mentioned Regulation. The collector is to insert, in red ink, opposite to the entries relating to such lands, in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations, in which the above-required entries may be made; and he is also to specify, in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register and the register of intermediate resumptions, in which the entries respecting the lands may be inserted.

payment of revenue, where to be made. [*XIX.* 1793, *xxi.* 1.]

Second. If any land paying revenue to Government shall be finally adjudged, under this Regulation, to be exempted from the payment of revenue, the name of the pergunnah (or other local division where there may be no pergunnah), sircar, and soubah, in which the land granted may be situated, with the exact number of villages, or other subdivisions, comprised therein, as particularized in the pergunnah register directed to be kept by Regulation XLII. 1803, the name or names of the proprietor or proprietors, the amount of the jumma, and a copy of the decree, are to be entered in the register of intermediate mutations; and the collector is to insert, in red ink, opposite to such entry, the number of the page in the last-formed quinquennial register in which such village or villages, or the village or villages in which the lands may be situated, may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed; and also the number of the page in the register of intermediate resumptions in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment of revenue; and the collector shall insert, in red ink, opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken. The rules in this clause are to be observed, likewise, in case the Governor-General in Council should deem it proper, from particular circumstances, to renew any former grants, the land included in which may be now subject to the payment of revenue.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made. [*XIX.* 1793, *xxi.* 3.]

Rule to apply to old grants renewed by Government.

Register of lands held exempt from the payment of revenue, under grants described in this Regulation, to be formed every five years.
[*XIX.* 1793, *xxii. and VIII.* 1800, *xi.*]

XVII. That Government and its officers may, at all future periods, have in their possession a complete register of the lands throughout the ceded provinces held exempt from the payment of revenue, under grants of the nature of those described in this Regulation, and with a view to prevent any such grants being made in future, a register of all lands held exempt from the payment of revenue under grants made previously to the 1st of January, 1801, or since exempted from the payment of revenue by the authority of Government, shall be formed every five years in each zillah. The register is to specify the denomination of each grant, whether bermooter, bishunpereet, kishnarpun, or other tenure; the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him if any relationship exists, and in virtue of what right he succeeded to the grant; the date of the grant; the name of the pergunnah (or other local division where there may be no pergunnah), sircar, and soubah, in which the land granted may be situated, with the exact number of villages or other subdivisions comprised therein, as particularized in the pergunnah register directed to be kept by Regulation XLII. 1803. The collectors are enjoined to take the utmost care, that the names of the pergunnahs (or other local divisions where there may be no pergunnahs), as well as the number of villages or other subdivisions stated to be in each, are exactly conformable to the pergunnah register; and are to furnish their native officers appointed to prepare the counterpart registers with particular instructions for this purpose. The register shall be denominated the "periodical register of lands held exempt from the payment of revenue under grants not being badshahee or royal grants."

Contents of the Register.

Collectors enjoined to take the utmost care that the contents of the register are exactly conformable to the pergunnah register; and are to furnish the officers appointed to prepare the register with particular instructions for this purpose.

Denomination of the register.

XVIII. [*Same as Section XXIII. Regulation XIX.* 1793.]

XIX. [*Same as Section XXIV. Regulation XIX.* 1793, *substituting* "1st January, 1801," *for* "1st December, 1790."]

Publication to be made requiring all persons to register their grants.
[*XIX.* 1793, *xxv.*]

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each zillah, upon the receipt of this Regulation, is to cause the following publication, which shall be written in the Persian language and the Hindoostanee language and Nageree character, and attested with their official seals and signatures, to be fixed up in the principal cutcherry of every tehseeldar, and of every proprietor and farmer of land in the zillah paying revenue immediately to Government, and of every native collector in lands held khas by Government; and where the estate of any proprietor with whom a settlement shall have been concluded, or the farm of any farmer, or lands held khas, shall consist of two or more whole pergunnahs or portions of pergunnahs, he shall cause the publication to be fixed up in the principal cutcherry in each pergunnah or portion of a pergunnah, comprised in such estate, farm, or khas lands, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it. The collectors are further required to cause the prescribed publication to be fixed up in their own cutcherries, and in

The prescribed publication to be fixed up in the collectors' cut-

the cutcherries of the Courts of Judicature within their respective zillahs, for general information.

cherries and in the cutcherries of the Courts of Judicature.

Publication.

"In conformity to Regulation XXXI. 1803, every person being actually in possession of bermooter, bishunpereet, kishnarpun, or other land, now exempt from the payment of revenue, in the estate of ————, or the farm of ————, or the khas lands under the charge of ————, and which may be held in virtue of any grant made previously to the 1st day of January, 1801, corresponding with the 1st Maug, 1208 Fussily, the 19th Poose, 1208 Willaity, and whether made or confirmed by the Government of the country for the time being or its officers, or any other authority," [*&c. as in Section XXV. Regulation XIX.* 1793].

Lands not registered within the prescribed time declared subjected to the payment of revenue, unless the Governor-General in Council shall admit them upon the register. [*XIX.* 1793, *xxxi.*]

XXI. If any person in possession of any such grant of land, now held exempt from the payment of revenue, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant shall, by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree *of a Court of Judicature;* and the collector shall proceed to assess the lands accordingly. The Governor-General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause to his satisfaction for not having registered it within the limited period; and the Board of Revenue are to report to the Governor-General in Council every case in which persons who may have omitted to register their grants, as required, may appear to them entitled to have their grants admitted upon the register.

XXII. [*Same as Section XXVII. Regulation XIX. substituting Section* "XXI." *for the corresponding Section* "XXVI."]

XXIII. [*Same as Section XXVIII. Regulation XIX.* 1793.]

XXIV. [*Same as Section XXIX. Regulation XIX.* 1793, *substituting the following for the corresponding passage.*]

Inscription on the back of the register.

The book shall have the following inscription on the back of it:— "Periodical register, formed under Regulation XXXI. 1803, of lands held exempt from the payment of revenue, under grants not badshahee or royal, in the zillah of ————, at the commencement of the Fussily year ——, corresponding with the year of our Lord ——. Number ——."

XXV. [*Same as Section XXX. Regulation XIX.* 1793, *substituting* "the Fussily year 1219," *for* "the year 1207 of the era current in each province."]

XXVI. [*Same as Section XXXI. Regulation XIX.* 1793.]

In what language the counter part of the register is to be kept. [*XIX.* 1793, *xxxii.*]

XXVII. The counterpart register is to be kept in the Persian language.

XXVIII. [*Same as Section XXXIII. Regulation XIX.* 1793, *substituting the following for the corresponding passage.*]

"Register, under Regulation XXXI. 1803, of intermediate resumptions, or other occurrences respecting lands held exempt from the payment of revenue, under grants not badshahee or royal, in the zillah of ———, between the commencement of the year —— Fussily" [*and* "Sections XX. XXI. and XVI." *for the corresponding* "Sections XXV. XXVI. and XXI."].

XXIX. to XXXII. [*Same as Sections XXXIV. to XXXVII. Regulation XIX.* 1793.]

XXXIII. [*Same as Section XXXVIII. Regulation XIX.* 1793, *substituting* "Section XXIV." *for the corresponding* "Section XXIX."]

XXXIV. XXXV. XXXVI. [*Same as Sections XXXIX. XL. XLI. of Regulation XIX.* 1793.]

To whom the collectors are to send copies of each periodical register and of the quarterly entries in the register of intermediate resumptions. [*XIX.* 1793, *xlii.*]

XXXVII. The collectors of the several zillahs are to transmit, as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers, both in the English and the Persian languages, each in a book of the prescribed size, paged and attested by the judge of the Court of Adawlut of the zillah, in the same manner as the original register, as directed in Section XXIV.; and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Fussily year, an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months. Whenever the Zillah Courts, *or the Provincial Court of Appeal,* may have occasion to refer to any of the registers prescribed by the present Regulation, they are authorized to require, [*&c. as in Section XV. Regulation VIII.* 1800].

How the courts are to proceed whenever they have occasion to refer to any of the registers.

XXXVIII. [*Same as Section XLIII. Regulation XIX.* 1793, *omitting* "The Courts of Judicature."]

XXXIX. The periodical register, which is to be formed in each of the zillahs at the commencement of the Fussily year 1215, and at the commencement of every succeeding five years, [*&c. as in Section XLIV. Regulation XIX.* 1793, *substituting* "Section XXI." *for the corresponding* "Section XXVI."]

XL. [*Same as Section III. Regulation LVIII.* 1795, *substituting* "periodical" *for* "quinquennial," *and omitting the sentence* "directed to be kept by Regulations XIX." &c.]

XLI. and XLII. [*Same as Sections XLV. and XLVI. Regulation XIX.* 1793.]

XLIII. [*Same as Section XLVII. Regulation XIX.* 1793, *substituting* "1st January, 1801," *for* "the Company's accession to the dewanny."]

XLIV. No part of this Regulation is to be considered to extend to jaghire, altumgah, muddud maash, aymah, or other grants of land termed badshahee or royal, and held, or stated to be held, under a royal firmaun. The rules applicable to such grants are contained in Regulation XXXVI. 1803.

This Regulation not to be considered to extend to badshahee grants. [*XIX.* 1793, *xlix.*]

A.D. 1803. REGULATION XXXII.*

Reg. XXXII. 1803.

A REGULATION *for preventing Affrays respecting disputed Boundaries, Crops, Wells, and Water and Water-courses, or other Works constructed for the Improvement of the Cultivation of Lands, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

* This Regulation is the same as Regulation XLIX. 1793, but with an additional section. This new Section (VII.) was rescinded by Section II. Regulation XX. 1817, and the remainder of the Regulation by Act IV. 1840.

A.D. 1803. REGULATION XXXIII.†

Reg. XXXIII. 1803.

A REGULATION *for preventing the Embezzlement of public Money and the withholding of public Papers by the Native Officers of Government, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. IT being necessary that the collectors should possess the means of recovering the public dues and papers from tehseeldars, sezawuls, aumeens, and other native officers, withholding the public money, or omitting to attend the collectors to adjust their accounts, or retaining papers which came into their possessions in their official capacity, the Governor-General in Council has passed the following rules.

II. *First.* [*Same as Section XV. Regulation III.* 1794.]

Second. The security which the tehseeldars appointed under Regulation XXVII. 1803, are required to give by Clause Seventh, Section II. of that Regulation, precludes the necessity of demanding any further security from tehseeldars of the above description under the present Regulation. The responsibility of the sureties of such tehseeldars is

Tehseeldars appointed under Regulation XXVII. 1803, exempted from giving further security under this Regulation.

† This Regulation includes Sections XV. to XXI. Regulation III. 1794, being the whole of the rules in that Regulation which relate to native officers.

accordingly declared to extend to the several cases provided for in this Regulation.

III. [*Same as Section XVI. Regulation III.* 1794, *substituting* "any other jurisdiction" *for* "the cities of Patna, Dacca, or Moorshedabad," *and* "XXVII. 1803," *for* "XIV. 1793."]

IV. [*Same as Section XVII. Regulation III.* 1794.]

V. [*Same as Section XVIII. Regulation III.* 1794, *substituting* "or jurisdiction" *for* "or in either of the cities of Patna, Dacca, and Moorshedabad."]

VI. VII. [*Same as Sections XIX. and XX. Regulation III.* 1794.]

VIII. [*Same as Section XXI. Regulation III.* 1794, *substituting* "XXVII. 1803," *for* "XIV. 1793," *and omitting the words* "and which are not repealed by this Regulation."]

Reg. XXXIV. 1803.

A. D. 1803. REGULATION XXXIV.*

A Regulation *for determining the Rate of Interest on Money in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* Passed *by the Governor-General in Council, on the 24th March,* 1803.

I. It being essential to the advancement of commerce and the security of property, that the rate of interest on money should be fixed and determined, the following rules have been accordingly in that respect enacted. And whereas it has long been a practice to borrow money on the mortgage and conditional sale of landed property, under a stipulation that if the sum borrowed be not repaid (with or without interest) by a fixed period the sale shall become absolute, which species of transfer has been usually denominated bye-bil-wuffa, or kut-cubbaleh: and whereas persons lending money on bye-bil-wuffa, in order to render the sale absolute, and thereby possess themselves of the landed property of the borrower, may deny the tender, or evade receiving payment of the money due to them within the period limited for the discharge of it; in such cases the proof of the tender falls on the borrower, and if he fail in the proof of it for want of legal evidence, he is liable to lose his estate. It is therefore necessary, for the security of the borrower in such transactions, that he should have the means of establishing before a Court of Judicature his having tendered, or being ready to pay, within the stipulated period, the amount due from him

* This Regulation includes, with modifications as to dates, the whole of Regulation XV. 1793 (excepting Section III.), and the whole of Regulation I. 1798.

to the lender; who, if he mean to act fairly, will also derive a benefit from a rule being laid down, whereby it may be ascertained whether the borrower was willing to redeem his property by the payment of the money lent upon it, within the period agreed upon between the parties, or whether, from his having omitted to perform the conditions of such redemption, the sale is become absolute and the property included therein finally transferred to the lender. The Governor-General in Council has accordingly been pleased to pass certain rules for the better regulating such transactions.

Rates of interest to be decreed where the cause of action shall have arisen before the 10th November, 1801; and may not exceed one hundred *sicca* rupees, or may exceed that sum. [*XV.* 1793, *ii.*]

II. *First.* If the cause of action shall have arisen before the tenth day of November, one thousand eight hundred and one, the Courts of Civil Judicature are not to decree higher or lower rates of interest than the following:

Second. On sums not exceeding one hundred *sicca* rupees, two rupees and eight annas per cent. per mensem, or thirty per cent. per annum.

Third. On sums exceeding one hundred *sicca* rupees, two per cent. per mensem, or twenty-four per cent. per annum.

Rates of interest, where the cause of action shall have arisen after the 10th November, 1801, to be twelve per cent. [*XV.* 1793, *iv.*]

III. If the cause of action shall have arisen on or subsequent to the tenth day of November, one thousand eight hundred and one, the courts are not to decree interest on any sum whatever above the rate of twelve per cent. per annum.

Lower interest than the rate authorized to be decreed, if stipulated between the parties. [*XV.* 1793, *v.*]

IV. Where a lower interest than the authorized rates may have been stipulated between the parties, no higher rate of interest than the rates so stipulated is to be decreed.

V. VI. [*Same as Sections VI. and VII. Regulation XV.* 1793.]

Interest on bonds or instruments executed on or subsequent to the 1st January, 1804, to be forfeited if beyond twelve per cent. [*XV.* 1793, *viii.*]

VII. The courts are not to decree any interest whatever, in any case, where the bond or instrument given for the security and evidence of the debt shall have been granted on or subsequent to the first day of January, one thousand eight hundred and four, and shall specify a higher rate of interest than is authorized by Section III. of this Regulation.

VIII. to XI. [*Same as Sections IX. to XII. Regulation XV.* 1793, *substituting* "tenth day of November, one thousand eight hundred and one," *for* "twenty-eighth day of March, one thousand seven hundred and eighty."]

XII. to XV. [*Same as Sections II. to V. Regulation I.* 1798, *substituting* "this Regulation," *for* "Regulation XV. 1793."]

Reg. XXXV. 1803

A.D. 1803. REGULATION XXXV.

COMPARATIVE TABLE.

II.	———	Part of II. Regulation XVII. 1795.	
III. 1.	———	III. "	
2.	———	II. Regulation II. 1797.	
3, 4, 5.	———	III. "	
IV. to IX.	Rescinded.	*IV. to IX. Reg. XVII.* 1795	Rescinded.
X.	———	X. "	
XI. to XIV.	Rescinded.	*XI. to XIV.* "	Rescinded.
XV.	Rescinded.		
XVI.	———	XV. "	
XVII. to XX.	Rescinded.	*XVI. to XIX.* "	Rescinded.
XXI.	———	XX. "	
XXII.	Rescinded.	*XXI.* "	Rescinded.
XXIII.	Rescinded.		
XXIV.	Superseded.		
XXV.	Rescinded.		
XXVI.*	Rescinded.		

A REGULATION *for the establishment of an efficient System of Police in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. THE establishment of an efficient police throughout the country, whereby offenders may be deprived of all hope of eluding the pursuit of the officers of justice, being as essential towards deterring people from the commission of crimes as the speedy and impartial trial of offenders when apprehended, the following rules are hereby enacted.

II. [*Same as the first paragraph of Section II. Regulation XVII.* 1795, *substituting* "village farmers," *for* "farmers."]

III. *First.* [*Same as Section III. Regulation XVII.* 1795, *omitting the specific references to Regulations, substituting* "village farmers" *for* "farmers," *and inserting the words* "or that the theft or robbery was committed with their connivance," *after* "prevented the theft or robbery."]

Second. [*Same as Section II. Regulation II.* 1797, *omitting the first reference to Regulation XVII.* 1797, *and substituting* "Section XIV." *of this Regulation, for* "Section XIV. Regulation XVII. 1795."]

Third, Fourth, and Fifth. [*Same as Clauses First, Second, and Third, Section III. Regulation II.* 1797.]

IV. V. VI. [Powers and duties of tehseeldars.]—*Rescinded by Section III. Regulation XIV.* 1807.]

VII. VIII. IX. [Apprehension of offenders and security to be taken from prosecutors by tehseeldars.]—*Rescinded by Section II. Regulation XX.* 1817.

X. [*Same as Section X. Regulation XVII.* 1795, *with an additional paragraph relating to the police duties of tehseeldars, which has been rescinded.*]

XI. to XV. [Duties of tehseeldars and village watchmen.]—*Rescinded by Section II. Regulation XX.* 1817.

XVI. A concurrent jurisdiction is vested in the several magistrates in the ceded provinces, and in the magistrates of the provinces of Bengal, Behar, Orissa, and Benares, *and their respective police officers*, in the cases and under the restrictions following, viz. *The tehseeldars*, [*&c. as in Section XV. Regulation XVII.* 1795].

XVII. to XX. [Duties and responsibilities of tehseeldars and police officers.]—*Rescinded by Section II. Regulation XX.* 1817.

XXI. [*Same as Section XX. Regulation XVII.* 1795].

XXII. [Sunuds and a copy of this Regulation to be given to tehseeldars.]—*Rescinded by Section III. Regulation XIV.* 1807.

XXIII. [Police of towns under tehseeldars.]—*Rescinded by Section III. Regulation XIV.* 1807.

XXIV. [Appointment and removal of police darogahs.]—*Superseded by Act XXIV.* 1837.

XXV. [Inquests.]—*Rescinded by Section II. Regulation XX.* 1817.

Rescinded by Cl. 2, Sec. iii. Reg. XIV. 1807.

The rules in this Regulation applicable to landholders whose estates are huzzoory teh-

XXVI. [*The whole of the rules contained in this Regulation, in as far as they relate to the tehseeldars, are to be considered equally applicable to landholders whose estates are huzzoory tehseel, such landholders being bound to maintain the peace of their respective estates and to entertain an efficient police for the preservation of the same.*] The same rules are, in like manner, to be considered generally applicable to all police darogahs under the immediate authority of a magistrate, with an exception to their being held personally responsible for robberies in certain cases.

Reg. XXXVI. 1803.

A.D. 1803. REGULATION XXXVI.

COMPARATIVE TABLE.

II. 1.*				
2 to 6.	same as Cls. 1 to 5.	II. Regulation XXXVII. 1793.		
III. to VI.	———	III. to VI.	,,	
VII. VIII. IX.	Rescinded.	*VII. VIII. IX.*	,,	Rescinded.
X.	———	X.	,,	
XI.	Rescinded.	*XI.*	,,	Rescinded.
XII. XIII.	———	XII. XIII.	,,	
XIV.	Rescinded.	*XIV.*	,,	Rescinded.
XV. XVI.	———	XV. XVI.	,,	
XVII.	———	XVII.	,,	
		XI. Regulation VIII. 1800.		
XVIII. XIX. XX.	———	XVIII. XIX. XX. Reg. XXXVII. 1793.		
XXI. 1.	———	XXI.	,,	
2.*	———	II. Regulation LVIII. 1795.		
XXII. to XXVI.	———	XXII. to XXVI. Reg. XXXVII. 1793.		
XXVII.*	———	XXVII.	,,	
XXVIII. to XXXVI.	———	XXVIII. to XXXVI.	,,	
XXXVII.	———	XXXVII.	,,	
		XV. Regulation VIII. 1800.		
XXXVIII. to XLII.	———	XXXVIII. to XLII. Reg. XXXVII. 1793.		
XLIII.	———	III. Regulation LVIII. 1795.		

The whole of Regulation XXXVII. 1793, excepting the parts previously rescinded, is re-enacted in this Regulation.

A REGULATION *for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of public Revenue, under Badshahee or Royal Grants, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company; for determining the Amount of the annual Assessment to be imposed on Lands so held which may become subject to the Payment of public Revenue; and for forming a periodical Register of all Lands held exempt from the Payment of public Revenue, under Badshahee or Royal Grants:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every begah of land, unless it transfers its right thereto for a term or in perpetuity. As a necessary consequence of this law, every grant or alienation of the Government's proportion of the produce of lands without its sanction was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native Government, grants were occasionally made of the Government's share of the produce of lands, for the support of the

families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government has determined to continue to the grantees or their heirs, such of these grants as were hereditary, and were made prior to the 1st of January, 1801, provided the grantees or their heirs had obtained possession previous to that date; but that grants which were for life only shall be invariably considered as resumable on the death of the grantees. No complete register of these grants having been formed under the native Government, many persons are supposed to have retained possession of lands under fabricated or irregular grants, or to have succeeded to life grants on the demise of the original grantee or former possessor, without the sanction of Government. The Governor-General in Council deems it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands the grants for which might expire; but he is, at the same time, equally solicitous that persons holding lands under grants that are declared valid should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice or extortion in the inquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants (provided the grantees or persons in possession register their grants as required in this Regulation) shall be tried in the Courts of Judicature, that no such grants may be resumed until the title of the grantee or present possessor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government, and further that Government and its officers may at all times have in their possession a correct register of the lands in the several zillahs held exempt from the payment of revenue under badshahee grants, the following rules have been enacted.

See Sec. III. Reg. XIV. 1825.

Definition of the term badshahee grant.

II. *First.* The term badshahee grant shall be construed to extend to all grants made by the Supreme Power for the time being, and consequently to include grants of the following description. Firstly, Royal grants, properly so called; Secondly, Grants made by the soubahdars of Oude and by the Nawaubs of Furruckabad: Thirdly, Grants in Rohilcund, made by the princes of that country prior to the 23rd of April, 1774.

Second. [*Same as Clause First, Section II. Regulation XXXVII.* 1793, *substituting* "1st January, 1801," *for* "12th August, 1765, the date of the Company's accession to the Dewanny."]

Third. [*Same as Clause Second, Section II. Regulation XXXVII.* 1793, *substituting* "1st January, 1801," *as in Clause Second, and omitting the last paragraph*, "No such claim," &c. &c.]

Fourth, Fifth, and Sixth. [*Same as Clauses Third, Fourth, and Fifth, Section II. Regulation XXXVII.* 1793, *substituting* "1st January, 1801," *for* "the Company's accession to the Dewanny."]

III. [*Same as Section III. Regulation XXXVII.* 1793, *substituting* "1st January, 1801," *for* "12th August, 1765."]

IV. V. [*Same as Sections IV. and V. Regulation XXXVII.* 1793.]

VI. [*Same as Section VI. Regulation XXXVII.* 1793, *omitting the words* "in perpetuity" *and* "deconnial," *and substituting* "XXVII. 1803," *for* "VIII. 1793."]

VII. VIII. IX. [Suits by collectors for the recovery of invalid lakheraj.]—*Rescinded by Section II. Regulation VIII.* 1811, *and Clause Second, Section II. Regulation II.* 1819.

X. [*Same as Section X. Regulation XXXVII.* 1793, *substituting* "XXXI. 1803," *for* "XIX. 1703," *and* "Section XXXIII. Regulation XXVII. 1803," *for* "Section XXX. Regulation XIV. 1793."]

XI. [Courts to award costs in cases of groundless prosecution.]—*Rescinded by Section II. Regulation VIII.* 1811, *and Clause Second, Section II. Regulation II.* 1819.

XII. XIII. [*Same as Sections XII. and XIII. Regulation XXXVII.* 1793.]

XIV. [Revenue to be paid from date of first decree of resumption.]——*Rescinded by Clause Second, Section II. Regulation II.* 1819.

XV. [*Same as Section XV. Regulation XXXVII.* 1793.]

Record of lands included in grants that may become liable to the payment of revenue.

XVI. *First.* When any grant shall be adjudged invalid, or shall expire or escheat to Government, the name of the pergunnah (or other local division where there may be no pergunnah), sircar, and soubah, in which the lands may be situated, with the exact number of villages or other subdivisions comprised therein, as particularized in the pergunnah register directed to be kept by Regulation XLII. 1803, the amount of the public revenue assessed thereon, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by Section XXVIII.; and opposite to such entry the collector is to insert, [*&c. as in Clause First, Section XVI. Regulation XXXVII.* 1793, *substituting* "Regulation XLII. 1803," *for* "Section XVI. Regulation XLVIII. 1793"].

Record of land now subject to the payment of revenue, but which may be hereafter adjudged, or become exempt from the payment of revenue, where to be made.

Second. When land now subject to the payment of revenue shall be finally adjudged, on the claim of any individual, to be exempted from the payment of revenue under any grant, or when the Governor-General in Council shall make any new grant, the name of the pergunnah (or other local division where there may be no pergunnah), sircar, and soubah, in which the lands granted may be situated, with the exact number of villages or other subdivisions comprised therein, as particularized in the pergunnah register directed to be kept by Regulation XLII. 1803, the name or names of the grantee, the amount of the revenue before assessed thereon, and a copy of the decree or grant, are to be entered in the register of intermediate mutations, directed to be kept by Regulation XLII. 1803, and the collector is to insert, [*&c. as in Clause Second, Section XVI. Regulation XXXVII.* 1793].

XVII. That Government and its officers may have in their possession, at all future periods, a complete register of all the lands in the provinces held exempt from the payment of revenue under badshahee grants, a register of all such grants shall be formed every five years in each zillah. The register is to specify the denomination of each grant, whether altumgah, jaghire, or other tenure, the name of the original grantee and of the person in possession; and if the person in possession be not the original grantee, his relationship to him if any relationship should exist, and in virtue of what right he succeeded to the grant; the date of the grant, the name or names of the person or persons possessing the zemindary or proprietary right in the lands, the name of the pergunnah (or other local division where there may be no pergunnah), sircar, and soubah, in which the land granted may be situated, with the exact number of villages or other subdivisions comprised therein, as particularized in the pergunnah register directed to be kept by Regulation XLII. 1803. The collectors are enjoined to take the utmost care, that the names of the pergunnahs (or other local divisions where there may be no pergunnahs), as well as the number of villages or other subdivisions stated to be in each, are exactly conformable to the pergunnah register; and are to furnish their native officers, appointed to prepare the counterpart registers, with particular instructions for this purpose. The register shall be denominated the "periodical register of lands held exempt from the payment of revenue under badshahee grants."

Register of badshahee grants to be prepared every five years. [*XXXVII.* 1793, *xvii. and VIII* 1800, *xi.*]

Contents of the register.

Denomination of the register

XVIII. XIX. [*Same as Sections XVIII. and XIX. Regulation XXXVII.* 1793.]

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each zillah in which any jaghire, altumgah, ayma, or muddudmaash, or other lands, held under sunnuds or grants termed badshahee, may be situated, upon the receipt of this Regulation, is to cause the following publication, which shall be written in the Persian language, and in the Hindoostanee language and Nageree character, and attested with their official seals and signatures, to be fixed up in the principal cutcherry of the holders of grants of the description of those specified in this Regulation, and take a receipt from the holder of such grant, or the person entrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it. The collectors are further required to cause the prescribed publication to be fixed up in their own cutcherries, and in the cutcherries of the Civil Courts within their respective zillahs, for general information.

Publication to be made requiring all persons to register their grants.

"In conformity to Regulation XXXVI. 1803, every person being actually in possession of altumgah," [*&c. as in Section XX. Regulation XXXVII.* 1793].

Publication

XXI. *First.* [*Same as Section XXI. Regulation XXXVII.* 1793.]

Second. The collectors shall receive a commission of twenty-five per cent. on the amount of the annual jumma which may be assessed on lands finally resumed and declared liable to be assessed with public revenue,

Collectors to receive a commission of twenty-five per cent. on lands resumed under this section. [*LVIII.* 1795, *ii.*]

How the commission of the collector shall be estimated, in case of exempted lands becoming subject to the payment of revenue and a settlement not being immediately made.

What collectors are to be considered entitled to the commission.

under this section. If circumstances should prevent the forming of a settlement of any of the lands on which the collectors may be entitled to a commission under this section, it shall be at the option of the Governor-General in Council to grant a commission on whatever amount he may deem an equitable jumma for such lands. The commission shall be paid to the collector, who shall discover and report to the Board of Revenue the omission of the registry of the lands; unless the Governor-General in Council should deem it equitable, in any particular case, to give the whole or a part of the commission to any other collector.

XXII. XXIII. [*Same as Sections XXII. and XXIII. Regulation XXXVII.* 1793.]

XXIV. [*Same as Section XXIV. Regulation XXXVII.* 1793, *substituting* "XXXVI. 1803," *for* "XXXVII. 1793," *and omitting the Bengal and Willaity eras.*]

XXV. [*Same as Section XXV. Regulation XXXVII.* 1793, *substituting* "1215, Fussily," *for* "1207 of the era current in each province."]

XXVI. [*Same as Section XXVI. Regulation XXXVII.* 1793.]

In what language the counterpart register is to be kept.
[*XXXVII.* 1793, *xxvii.*]

XXVII. The counterpart register is to be kept in the Persian language.

XXVIII. [*Same as Section XXVIII. Regulation XXXVII.* 1793, *substituting* "XXXVI. 1803," *for* "XXXVII. 1793," *and omitting the Bengal and Willaity eras.*]

XXIX. to XXXVI. [*Same as Sections XXIX. to XXXVI. Regulation XXXVII.* 1793.]

To whom the collectors are to send copies of each periodical register, and of the quarterly entries in the register of intermediate occurrences.
[*XXXVII.* 1793, *xxxvii.*]

How the courts are to proceed whenever they have occasion to refer to any of the registers.

XXXVII. The collectors of the several zillahs are to transmit to the Board of Revenue, as early as may be practicable, an attested copy of the periodical registers, both in the English and the Persian languages, each in a book of the prescribed size, paged and attested by the judge of the Court of Adawlut of the zillah, in the same manner as the original register, as directed in Section XXIV.; and within one month after the expiration of the third, sixth, ninth, and twelfth month of the Fussily year, an attested copy of the entries in the register of intermediate resumptions and occurrences that may have taken place during the three preceding months. Whenever the Zillah Courts *or the Provincial Court of Appeal* may have occasion to refer to any of the registers prescribed by the present Regulation, they are authorized to require, [*&c. as in Section XV. Regulation VIII.* 1800].

XXXVIII. [*Same as Section XXXVIII. Regulation XXXVII.* 1793, *omitting* "The Courts of Judicature."]

XXXIX. The periodical register which is to be formed in each of the zillahs at the commencement of the Fussily year 1215, and at the com-

mencement of every succeeding five years, is to be preparod, [*&c. as in Section XXXIX. Regulation XXXVII.* 1793].

XL. and XLI. [*Same as Sections XL. and XLI. Regulation XXXVII.* 1793.]

XLII. [*Same as Section XLII. Regulation XXXVII.* 1793, *substituting* "XXXI. 1803," *for* "XIX. 1793."]

XLIII. [*Same as Section III. Regulation LVIII.* 1795, *omitting the words* "directed to be kept by Regulations XIX." &c. &c.]

A.D. 1803. REGULATION XXXVII.*

Reg. XXXVII. 1803.

A REGULATION *prescribing Rules respecting the Provision of the Honourable the English East-India Company's Investment, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

* The Commercial branch of the East-India Company's service having ceased to exist in virtue of the Act 3 & 4 William IV. cap. 85, this Regulation became inoperative.

A.D. 1803. REGULATION XXXVIII.

Reg. XXXVIII. 1803

A REGULATION *respecting the Abolition of all Rahdarry or Transit Duties, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and for the Collection of the Government Customs, and the Gunge Duties in the said Provinces:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Rescinded by Section II. Regulation XI. 1804. and Clause Second, Section II. Regulation IX. 1810.]

Reg. XXXIX. 1803.

A.D. 1803. REGULATION XXXIX.

A REGULATION *for preventing the illicit Importation, Manufacture, Sale, or Transportation of Salt, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th March,* 1803.

[Rescinded by Section II. Regulation VI. 1804.]

Reg. XL. 1803.

A.D. 1803. REGULATION XL.

A REGULATION *for restricting and regulating the Manufacture and Vend of spirituous Liquors and intoxicating Drugs, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Rescinded by Section II. Regulation X. 1813.]

Reg. XLI. 1803.

A.D. 1803. REGULATION XLI.

A REGULATION *for prohibiting the Cultivation of the Poppy in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and for preventing the illicit Importation of Opium into the said Provinces:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Rescinded by Section II. Regulation XIII. 1816.]

A.D. 1803. REGULATION XLII.

COMPARATIVE TABLE.

II.*	———		II. Regulation XLVIII. 1793. XIII. Regulation VIII. 1800.
III.	———		III. Regulation XLVII. 1793.
IV. V.	———		IV. V. „
VI.	———		VI. „
VII. 1 to 4.	———	Cls. 1 to 4.	VII. „
5*.*	———	Cl. 5.	VII. „
VIII.*	———	Cl. 6.	VII. „
IX.	———		IX. „
X. XI.*	———		X. XI. „
XII. XIII. XIV.	———		XII. XIII. XIV. „
XV.*	———		XV. „
XVI. 1.	———		XVI. „
2.	———		XIV. Regulation VIII. 1800.
XVII. to XXV.	———		XVII. to XXV. Reg. XLVIII. 1793.
XXVI. 1.	———		XXVI. „
2.	———		XVI. Regulation VIII. 1800.
3.	———		XV. „
XXVII. XXVIII. XXIX.	———		XXVII. XXVIII. XXIX. Reg. XLVIII. 1793.
XXX.*	———		
XXXI.*	———		II. Regulation VIII. 1800.
XXXII.	———		III. „
XXXIII.*	———		IV. „
XXXIV. to XXXIX.	———		V. to X. „
XL. XLI.	———		XX. XXI. „
XLII. XLIII.	———		XVII. XVIII. „
XLIV.	———		XXX. Regulation XLVIII. 1793.

The whole of Regulation XLVIII. 1793, with the additional rules and modifications in Regulation VIII. 1800, are re-enacted in this Regulation.

A REGULATION *for forming a periodical Register of the Zemindaries and other landed Estates, paying revenue to Government, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. WHEREAS every zemindary, or other land tenure, is liable in progress of time to be divided and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale: And whereas the security of the public revenue depends upon the allotment of it on each portion of every estate so divided being made agreeably to the rules prescribed in Sections XXXVII. and XXXVIII. Regulation XXV. 1803: And whereas it is necessary to enable the officers of Government to apportion the public revenue in conformity to

the rules contained in that Regulation, and to afford to Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, of the annual revenue charged upon each of them, and of the names of the proprietors, and also of the transfer of estates or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same zemindary, talook, or other land tenure; and that every such union, and all such transfers, divisions, and allotments of the public revenue, which have taken place since the commencement of the settlement formed under the proclamation issued by the Honourable the late Lieutenant-Governor and the Board of Commissioners, under date the 14th of July, 1802, or which may hereafter occur, should be traceable with facility and certainty at any future period: And whereas it is also requisite for financial purposes, and for the information of the Courts of Judicature from or to whose jurisdictions any districts or lands may be transferred or annexed, that there should be a record of the transfer of all districts or lands from the jurisdiction of one zillah to that of another: And whereas it is necessary to provide for a separate general register of lands, whether subject to or exempted from the payment of public revenue, according to their situation within the pergunnah or other established local division to which they are respectively annexed, for the purpose of exhibiting, in a connected view, the state of the pergunnahs or other local divisions of the country, several of which, in some instances, are included in one estate, whilst in others a pergunnah comprises many distinct estates, or several small estates and portions of estates, situated in different pergunnahs: the following rules have been accordingly enacted.

Quinquennial register to be prepared of the estates paying revenue to Government, and of the jumma assessed upon each estate. [*XLVIII.* 1793, *ii.* *and VIII.* 1800, *xiii.*]

II. *First.* Every five years, the collectors of the land revenue in the several zillahs in the provinces ceded by the Nawaub Vizier to the English East-India Company shall prepare a register of all the estates in their respective zillahs, of whatever denomination or description, the proprietors of which pay the public jumma or revenue assessed upon their estates immediately to Government.

Explanation of the term estate.

Second. By the term estate is to be understood any land subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government by the proprietor or by a farmer, or which may have been separately assessed with the public revenue, although no engagement shall have been executed to Government, as in cases where the estate may be held khas by a sezawul or other officer on the part of Government, or be managed by a serberakar for the benefit of a disqualified proprietor.

Names of estates to be arranged according to the jumma. [*XLVIII.* 1793, *iii.*]

III. The names of the estates in each zillah shall be arranged according to the amount of the annual jumma assessed on each estate, commencing with the estate yielding the most considerable revenue to Government.

IV. and V. [*Same as Sections IV. and V. Regulation XLVIII.* 1793.]

Proprietors to name their estates, in the event of their not hav-

VI. Estates that have not been distinguished by any particular appellation shall be named by the proprietor or proprietors, and shall henceforth

retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate regarding the name to be given to the estate, it shall be determined by a majority of the proprietors, or in the event of the absence or disqualification of any such proprietors, by a majority of those present who may be qualified to vote; with this provision, that where the votes and interest in the estate may be equal, or the proprietor shall neglect to give a name to the estate upon the requisition of the collector, he shall name the estate without reference to the Board of Revenue.

ing been distinguished by any particular name. [*XLVIII.* 1793, *vi.*]

VII. *First to Fourth.* [*Same as Clauses First to Fourth, Section VII. Regulation XLVIII.* 1793, *substituting* "or other land tenure" *for* "chowdrai."]

Fifth. Under the head of each estate shall be specified the names of all the pergunnahs, or other local divisions, arranged as directed in Section III. together with the exact number of villages or other subdivisions appertaining to the estate.

Names of the pergunnahs, villages, &c. in each estate to be specified. [*Ib. Cl.* 5.]

VIII. Where estates consist of one, two, or more villages, not comprising a whole pergunnah, the name of the pergunnah in which the estate may be situated shall be specified in the pergunnah register.

Where estates consist of one or more villages, the name of the pergunnah to be specified. [*XLVIII.* 1793, *vii.*]

IX. [*Same as Section IX. Regulation XLVIII.* 1793.]

X. The periodical register to be first formed for the zillahs in the provinces ceded by the Nawaub Vizier to the English East-India Company, shall commence with the Fussily year 1215, and shall exhibit the estates in the several zillahs, and the required particulars respecting them, as they may stand at the commencement of that year. Upon this register being completed, a similar register shall be forthwith formed, to commence with the Fussily year 1210, and show the estates in the several zillahs as they stood at the commencement of that year. The periodial register to be formed at the commencement of the Fussily year 1210, and every succeeding five years, shall exhibit the estates in each zillah as they may stand at that and each subsequent period.

Periodical registers in the several zillahs when to commence. [*XLVIII.* 1793, *x.*]

XI. The register to be first formed, and to commence with the Fussily year 1215, shall be numbered Two. The register to be next formed, commencing with the Fussily year 1210, shall be numbered One. The register to be formed at the commencement of the Fussily year 1220 shall be numbered Three; and every subsequent periodical register in the order in which it may be formed.

Registers to be numbered [*XLVIII,* 1793, *xi.*]

XII. [*Same as Sections XII. Regulation XLVIII.* 1793, *omitting* "Bengal and Willaity" *eras.*]

XIII. [*Same as Sections XIII. Regulation XVIII.* 1793, *substituting* "periodical" *for* "quinquennial."]

XIV. [*Same as Section XIV. Regulation XLVIII.* 1793, *substituting* "XXII. 1803," *for the corresponding* "XXI. 1793."]

In what language the counterpart registers are to be kept. [*XLVIII.* 1793, *xv.*]

XV. The counterpart registers shall be kept in the Persian language.

XVI. *First.* [*Same as Section XVI. Regulation XLVIII.* 1793, *substituting* "or other land tenure" *for* "chowdrai," "periodical" *for* "quinquennial," *and omitting* "Bengal and Willaity" *eras.*]

All alterations in the annual revenue, with the particulars thereof, to be inserted in the register of intermediate mutations.

Second. The register of intermediate mutations in landed property directed to be kept by the foregoing clause, shall include all alterations in any of the entries in the periodical registers, which may take place within the periods at which these registers are directed to be prepared. All alterations, [*&c. as in Section XIV. Regulation VIII.* 1800, *substituting* "Section XXXVIII. Regulation XXVII. 1803," *for the corresponding* "Section X. Regulation I. 1793," *and* "Section VII. Regulation XXVII. 1795"].

XVII. to XXI. [*Same as Sections XVII. to XXI. Regulation XLVIII.* 1793, *substituting* "periodical" *for* "quinquennial."]

XXII. [*Same as Section XXII. Regulation XLVIII.* 1793, *substituting* "Persian language" *for* "the native languages."]

XXIII. [*Same as Section XXIII. Regulation XLVIII.* 1793, *substituting* "periodical" *for* "quinquennial."]

XXIV. [*Same as Section XXIV. Regulation XLVIII.* 1793, *substituting* "Section XI. Regulation III. 1803," *for* "Section IX. Regulation IV. 1803;" "Section XXXVII. Regulation XXV. 1803," *for* "Section X. Regulation I. 1793;" *and* "Regulation XVII. 1803," *for* "Regulation XXXVI. 1793."]

XXV. [*Same as Section XXV. Regulation XLVIII.* 1793, *substituting* "periodical" *for* "quinquennial."]

XXVI. *First.* [*Same as the unrescinded part of Section XXVI. Regulation XLVIII.* 1793, *substituting* "Persian languages" *for* "native languages.]

The above duplicates to be sent through the channel of the Accountant to the Board of Revenue. The Accountant shall examine them, and in certain cases, report thereon.

Second. The copy of the periodical registers directed to be transmitted to the Board of Revenue by the foregoing clause, as well as the copies of the periodical registers directed to be transmitted to the Board of Revenue by Section XXXVII. Regulation XXXI. and Section XXXVII. Regulation XXXVI. 1803, shall be sent through the channel of the accountant to that Board, who shall report to the Board any instances of the prescribed quarterly copies not having been received at the fixed periods, or of the quinquennial copies of the registers, to be prepared from the commencement of the Fussily year 1215, not having been received within the year at the commencement of which the quinquennial registers are directed to be prepared; and shall return to the collectors, for correction, any copies of registers received from them which may not have been prepared according to the prescribed forms. The accountant shall also compare, [*&c. as in Section XVI. Regulation VIII.* 1800, *substituting* "existing" *for* "permanent" (settlement)].

Third. Whenever the Zillah Courts *or the Provincial Court of Appeal*

may have occasion to refer to any of the registers prescribed by the present Regulation; they are authorized to require from the collectors the production of the original register, [*&c. as in Section XV. Regulation VIII.* 1800].

XXVII. [*Same as Section XXVII. Regulation XLVIII.* 1793, *omitting* "The Courts of Judicature" *and substituting* "Persian" *for* "native" (languages).]

XXVIII. [*Same as Section XXVIII. Regulation XLVIII.* 1793, *substituting* "periodical" *for* "quinquennial," "1215" *for* "1202"—"1210" *for* "1197," and "1214" *for* "1201."]

XXIX. The periodical register to be formed in each of the zillahs in the provinces ceded by the Nawaub Vizier to the English East-India Company, at the commencement of the Fussily year 1220 and at the commencement of every succeeding five years, shall be prepared, [*&c. as in Section XXIX. Regulation XLVIII.* 1793, *substituting* "periodical" *for* "quinquennial"].

XXX. The following rules are prescribed for forming a pergunnah register of lands, subject to or exempted from the payment of public revenue, in the provinces ceded by the Nawaub Vizier to the English East-India Company.

Collectors shall form pergunnah registers of all lands in their respective districts. [*VIII.* 1800, *ii.*]

XXXI. The collectors of the land revenue in the several zillahs in the provinces ceded by the Nawaub Vizier to the English East-India Company, on receipt of this Regulation, shall proceed to form a register of all the lands in their respective zillahs, of whatever description, to be denominated "pergunnah register of lands, malguzary and lakheraj," and to be prepared as hereafter directed.

XXXII. *First and Second.* [*Same as Clauses First and Second, Section III. Regulation VII.* 1800.]

Third. [*Same as Clause Third, Section III. Regulation VIII.* 1800, *substituting* "Section II. of this Regulation" *for* "Regulations XLVIII. 1793, and XIX. 1795," and "Section XLI." *for* "Section XI. of this Regulation."]

Fourth. [*Same as Clause Fourth, Section III. Regulation VIII.* 1800, *substituting* "Regulations XXXI. and XXXVI. 1803," *for those there cited, and* "Section XLI." *for* "Section XI. of this Regulation."]

At what periods the general pergunnah registers are to be prepared, and how to be numbered. [*VIII.* 1800, *iv.*]

XXXIII. The first general pergunnah register shall be prepared for the Fussily year 1215, and shall exhibit the required particulars respecting the malguzary and lakheraj lands in the several pergunnahs, as they stood at the commencement of that year, so as to correspond with the periodical register of estates paying revenue to Government, No. 2, and the periodical register of lands held exempt from the payment of revenue, No. 2, which by the Regulations above referred to are ordered to commence with the Fussily year 1215. This original pergunnah register shall be numbered One. A similar general pergunnah register shall be prepared at the commencement of the Fussily year 1220, to be numbered Two; and there-

after, at the commencement of every fifth succeeding year, to be numbered in the order in which it may be formed.

XXXIV. [*Same as Section V. Regulation VIII.* 1800, *substituting* "periodical" *for* "quinquennial" and "Section XXXVII. Regulation XXXVII. 1793," *for* "Section X. Regulation I. 1793."]

XXXV. [*Same as Section VII. Regulation VIII.* 1800, *substituing* "Regulation XXIII. 1803," *for the corresponding* "Regulation XXI. 1793."]

From what materials the general registers are to be prepared, and how the materials not already received are to be procured

XXXVI. The pergunnah register, to commence with the Fussily year 1215, shall be prepared from the papers which shall be furnished by the proprietors and farmers of lands paying revenue, or by the holders of land exempt from the payment of revenue, for the registers of these lands respectively required to be kept by Regulations XXXI. and XXXVI. 1803, and by Section II. of this Regulation; as well as from any other materials which may be procured for the quinquennial registers of estates paying revenue, and the periodical registers of exempted lands, directed to be prepared at the commencement of the Fussily year 1215. Whatever further papers or information may be requisite for the exact ascertainment, [*&c. as in Section VII. Regulation VIII.* 1800, *substituting* "Section XXXII." *for* "Section III. of this Regulation"].

XXXVII. [*Same as Section VIII. Regulation VIII.* 1800, *substituting* "Section XXXIV." *for* "Section V. of this Regulation"].

What measures the collectors are to take to render their general registers complete.

XXXVIII. The general register for the Fussily year 1215 and subsequent intermediate register, if duly kept up, must furnish the collectors with full materials for the quinquennial pergunnah register to be prepared in the year 1220 and at every future period. They will also be careful to avail themselves, [*&c. as in Section IX. Regulation VIII.* 1800, *substituting* "Fussily year 1209," *for* "Bengal, Fussily or Willaity year 1197"].

XXXIX. [*Same as Section X. Regulation VIII.* 1800.]

XL. and XLI. [*Same as Sections XX. and XXI. Regulation VIII.* 1800.]

Collectors to propose officers to assist in the preparation of the registers directed to be kept by this Regulation and by Regs. XXXI. and XXXVI. 1803, with a statement of the allowances deemed necessary for them.

XLII. A sufficient number of native officers shall be appointed to assist the native record-keepers, appointed under Regulation XXIII. 1803, in keeping the pergunnah register prescribed by Section XXXI. of this Regulation; as well as the Persian counterparts of the registers of estates paying revenue to Government, directed to be formed by Section II. of the present Regulation, and of lands exempted from the payment of revenue, prescribed by Regulations XXXI. and XXXVI. 1803. The collectors shall furnish the Board of Revenue with a statement of the additional establishments of native officers which they may consider indispensably necessary to enable them to perform the duties above mentioned, and of the allowances proposed to be granted to such officers respectively. The collectors shall,

at the same time, report to the Board of Revenue, [*&c. as in Section XVII. Regulation VIII.* 1800].

XLIII. [*Same as Section XVIII. Regulation VIII.* 1795, *substituting the following for the corresponding concluding paragraph.*]

They shall be exclusively employed in preparing and copying the prescribed registers, whilst any part of these shall be in arrear; and after completing the register directed to be prepared from the commencement of the Fussily year 1215, shall, with the least possible delay, complete the registers in arrear for former years; but the preparation of the current registers shall not be delayed for those of former years.

XLIV. [*Same as Section XXX. Regulation XLVIII.* 1793, *substituting* "periodical" *for* "quinquennial."]

A.D. 1803. REGULATION XLIII.

Reg. XLIII. 1803.

A REGULATION *establishing Fees on the Institution and Trial of Suits; and for requiring all Law Papers in the Civil Courts, and certain Complaints punishable by the Magistrates, to be written on stamped Paper; and for levying a Per-centage on the Fees of the authorized Pleaders in the Courts of Civil Judicature, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th March,* 1803.

[Rescinded by Section II. Regulation I. 1814, and Section II. Regulation XXIII. 1814.]

A.D. 1803. REGULATION XLIV.*

Reg. XLIV. 1803.

A REGULATION *prescribing Rules for the Repair of Water-courses, Wells, and of other Works constructed for the Improvement of the Cultivation of the Lands, and kept in Repair at the public Expense, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and for affording Encouragement to Individuals to construct such Works:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

I. IT being necessary that provision should be made for the annual repair of certain embankments in different parts of the country, which have been considered as public works, and have been kept in repair at the expense of Government in consequence of their great extent, and the

* The whole of Regulation XXXIII. 1793, is re-enacted in this Regulation.

damage to which the districts and places for the protection of which they have been constructed would be liable from inundation, in the event of their not receiving the necessary annual repairs; and there being the strongest grounds for believing, that if the embankments, reservoirs, and water-courses, in the estates of individuals, which are not considered as public works, were enlarged or put into a proper state of repair, and new works of the same nature made where necessary and practicable, a sufficient portion of the crops might be preserved in seasons of drought or inundation for the subsistence of the body of the people, and consequently the occurrence of famine be prevented; and the Governor-General in Council being therefore solicitous to encourage proprietors, farmers, and cultivators of land, to undertake those important improvements in their estates and lands; the following rules are accordingly enacted.

II. to VII. [Care and superintendence of embankments.]—*Rescinded by Section II. Regulation VI.* 1806.

VIII. [*Same as Section VIII. Regulation XXXIII.* 1793.]

Applications for such advances to whom to be made, and what to contain. [*XXXIII.* 1793, ix.]

Persons applying for advances to give the security herein required.

Proprietors are also to give security.

IX. The applications for such advances are to be made in writing to the collector of the zillah, and are to specify the nature and extent of the work for which they are required, the period by which it will be completed, and the amount of the advance solicited. The person applying for advances is to give security for the payment of the advance with interest, and also for the payment of the penalty to be exacted in the cases mentioned in Section X., and shall specify in his application the security he may have to offer. Where the person making the application may be the proprietor of the lands for the benefit of which the works are intended, he shall give the like security as is required from farmers or other persons.

X. XI. [*Same as Sections X. and XI. Regulation XXXIII.* 1793, *omitting the parentheses.*]

XII. to XV. [*Same as Sections XII. to XV. Regulation XXXIII.* 1793.]

Reg. XLV. 1803.

A.D. 1803. REGULATION XLV.

A REGULATION *for the Reform of the Gold, Silver, and Copper Coin of the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 24th of March,* 1803.

[Superseded by the abolition of the Furruckabad mint, by Regulation II. 1824, and by the establishment of one uniform coinage of silver and gold coins by Act XVII. 1835, and of copper coins by Acts XXI. 1835, and XXII. 1844.]

A D. 1803. REGULATION XLVI.*

Reg. XLVI. 1803.

A REGULATION *for the Appointment of the Cauzy-ul-cozaat, or head Cauzy of the Provinces of Bengal, Behar, Orissa, and Benares, to be the head Cauzy of the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the* 24*th March*, 1803.

I. THE office of cauzy being requisite at the cities and principal towns, and in the pergunnahs, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious duties or ceremonies prescribed by the Mahomedan law as have been hitherto discharged by them under the native Government; and the nature of the above-mentioned duties renders it necessary that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trusts with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct, to the satisfaction of the Governor-General in Council; the following rules have been accordingly enacted.

Head cauzy of the three provinces to be head cauzy of the ceded provinces.

Not to be removed but for incapacity or misconduct proved to the satisfaction of the Governor-General in Council.

Seal of the head cauzy.

II. *First.* The cauzy-ul-cozaat, or head cauzy of Bengal, Behar, Orissa, and Benares, shall be head cauzy of the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and shall not be removable from his office but for incapacity or misconduct in the discharge of his public duty, or acts of profligacy in his private conduct, proved to the satisfaction of the Governor-General in Council.

Second. The head cauzy is to use a circular seal, two inches in diameter, on which shall be inscribed the designation of his office and his name, in the Persian language, as follows: "The seal of the cauzy-ul-cozaat of the provinces of Bengal, Behar, Orissa, Benares, and ceded provinces. (Name of the head cauzy.)"

III. to VIII. [*Same as Section III. to VIII. Regulation XXXIX.* 1793.]

IX. [*Same as Section IX. Regulation XXXIX.* 1793, *stopping at the words* "centrical places."]

Judges to furnish the cauzies with copies of the translates of all Regulations.

[*XXXIX.* 1793, *s.*]

X. The judges in the ceded provinces are to furnish the cauzies stationed in their respective jurisdictions with copies of the Persian and Hindoostanee translates of all Regulations, printed and published in the manner directed in Regulation I. 1803.

XI. [*Same as Section XI. Regulation XXXIX.* 1793, *omitting the words in italics, and substituting* "Regulation I. 1803," *for the corresponding* "Regulation XLI. 1803."]

* The whole of Regulation XXXIX. 1793, is re-enacted in this Regulation.

Reg XLVII. 1803

A.D. 1803. REGULATION XLVII.

A REGULATION *for prohibiting the fixing the Jumma of dependent Talooks, or granting Leases or Pottahs for a Term extending beyond the Term of the Lease of the Lands held by the Grantor of the Pottah; or, in Cases in which the Grantor shall hold his Lands on a fixed Jumma in Perpetuity, for prohibiting the granting of Leases or Pottahs for a Term exceeding Ten Years; and, in Cases of Lands being disposed of at public Sale for the Discharge of Arrears of public Revenue, for rendering null and void all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor and his dependent Talookdars, Farmers, and Ryots, for the Payment of Rent or Revenue on account of the Lands so sold, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council on the 24th March,* 1803.

I. WHEREAS it is declared, in Section XXIX. Regulation XXV. and in Section LIII. Regulation XXVII. 1803, that a settlement of the land revenue of the provinces ceded to the English East-India Company by the Nawaub Vizier shall be immediately made with the zemindars and other proprietors of land who shall be willing to engage for the revenue of their respective estates, and that a permanent assessment shall be fixed at the end of ten years on such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity: And whereas it is declared in Section XXXIV. Regulation XXVII. 1803, that the proprietary rights of all zemindars, talookdars, and other descriptions of landholders, possessing a right of property in the lands composing their zemindaries, talooks, or other tenures, are confirmed and established under the authority of the British Government, in conformity to the laws and usages of the country, and to the Regulations which have been, or shall be hereafter enacted by the Governor-General in Council: And whereas it is to be apprehended that many proprietors, either from improvidence, ignorance, or with a view to raise money, or from other causes or motives, may be induced to dispose of dependent talooks to be held at a reduced jumma, or fix the jumma of such dependent talooks as now exist in their respective estates at an under-rate, or let lands in farm, or grant pottahs for the cultivation of land, at a reduced rent, for a term extending beyond the term of the settlement made with the grantor of such pottahs or in perpetuity: And whereas by allowing such engagements to be valid, weak, improvident, or ill-disposed proprietors would possess the means of rendering their property of little or no value to their heirs, vice and injustice would be promoted; a permanent diminution would be occasioned in the resources of Government arising from the lands, in the event of the rent or revenue reserved by such proprietors being insufficient for the discharge of the amount of the public demand upon their estates; the great and permanent benefit proposed to be conferred upon the landholders, by the possession of their

lands being ultimately secured to them in perpetuity at a fixed assessment, would be perverted to purposes of abuse and of injury to the state; and an infringement would be made in the ancient and established usages of the country, according to which the dues of Government from the lands (consisting of a certain proportion of the annual produce of every begah of land demandable according to the local custom in money or kind), unless the Government shall have transferred its right to such proportion to individuals for a term or in perpetuity, or shall have fixed its demand upon the whole estate of a proprietor of land, leaving him to appropriate to his own use the difference between the value of such proportion of the produce (and the sum payable to the Government, so long as he continues to discharge this sum) are unalienable without express sanction: And whereas rules having been prescribed by Regulation XXX. 1803, for the grant of pottahs by the landholders in the provinces ceded by the Nawaub Vizier to the English East-India Company, to their under-farmers, tenants, and ryots, it is, at the same time, necessary that proprietors of land should possess a discretionary power to fix the rent payable by their dependent talookdars, and to grant leases, or fix the rents of their lands, for a term sufficient to induce their dependent talookdars, under-farmers, and ryots, to extend and improve the cultivation of their lands, and that such engagements should be held inviolable, excepting in cases in which they may interfere with, or affect in any shape the primary and indefeasible rights of Government: And whereas the proprietors of land, previously to the settlement for the revenues of their respective estates being declared perpetual, are not entitled to enter into any engagements with their dependent talookdars, under-farmers, or ryots, for a period extending beyond the term of their own engagements with the Government; the Governor-General in Council has enacted as follows:—

Superseded by Secs. ii. and iii. Reg. XIV. 1812; and Act XVI. 1842.

Jumma of dependent talooks, or other land tenure, not to be fixed, nor farms or pottahs granted, for a term extending beyond the term of the engagements of proprietors of land with Government, until a permanent settlement shall be concluded.

II. *First. No zemindars, independent talookdars, or other actual proprietors of land, after having engaged for the triennial, quartennial, or other periodical assessment of their estate, under the proclamation specified in Section XXIX. Regulation XXV.* 1803, *and the further provisions stated in that Regulation, and under Regulation XXVII.* 1803, *nor any persons on their behalf, shall dispose of a dependent talook, or other land tenure of whatever denomination, to be held at the same or at any jumma, or shall fix, at any amount, the jumma of an existing dependent talook, or other land tenure, for a term extending beyond the term of their own existing engagements with Government, nor let any lands in farm, nor grant pottahs to ryots or other persons for the cultivation of lands, for a term extending beyond the term of their own lease from Government. This rule and prohibition shall be considered to be in force until a permanent settlement shall be concluded under the Regulations above mentioned; and any lease or engagement given or received in opposition thereto shall be void and of no effect, as far as regards the amount of rent thereby illegally stipulated, but without affecting any other rights which the parties respectively may possess, or to which they may be entitled.*

Second. [No land to be let for a term exceeding ten years.]—*Rescinded by Section II. Regulation V.* 1812.

Third. Nothing contained in the foregoing clause shall be considered as restricting zemindars, independent talookdars, or other actual proprietors

Engagement may be renewed, and new leases granted, before the

commencement of the last year of the lease in certain cases

of land with whom a permanent settlement shall be concluded, from cancelling engagements into which they may have entered with any dependent talookdar for a term not exceeding ten years, at any time during such engagements, or from granting a new lease to such dependent talookdar for a period not exceeding ten years from the date of cancelling the former engagements; provided the parties concerned shall be mutually desirous of cancelling the former lease and of entering into a new one for a term not exceeding ten years, and shall voluntarily consent to the same; and provided, further, that the transaction shall not be founded in collusive or fraudulent motives, intended to affect the rights or interests of Government or of any person or persons. Whenever it shall appear that a former lease has been cancelled and that a new lease has been granted before the commencement of the last year of the former lease, without the mutual consent of the parties concerned, or that the parties had been influenced by collusive or fraudulent motives in entering into new engagements of the above nature, such engagements are declared to be null and void, and the former engagements shall be restored, subject to the operation of the Regulations relating to them.

Existing engagements between proprietors and their dependent talookdars, under-farmers, and ryots, if conformable to this Regulation, not to be affected by divisions of the estate made pursuant to judicial decrees or the request of the joint proprietors [XLIV. 1793, iii.]

III.* Where a division of a joint estate shall be made at the request of the proprietors, or pursuant to the decree of a court of justice, the fixed public revenue assessed upon the whole estate shall be apportioned on the several shares, agreeably to the principles prescribed in Section XXXVII. Regulation XXV. 1803, without regard to any engagements which may subsist between the proprietors and their dependent talookdars, under-farmers, ryots, or other under-tenants of whatever description. But the sharers shall not demand from the dependent talookdars, under-farmers, or ryots, or other under-renters, in their respective shares, any sum beyond the amount specified in the engagement, lease, or pottah, which may have been entered into between them and the proprietors jointly, previously to the division of the estate, provided that such engagement, lease, or pottah, be not repugnant to the rules prescribed in Section II. and such dependent talookdars, under-farmers, ryots, or other under-renters, shall duly perform their part of it; but it shall remain in full force (excepting in the event of the lands being disposed of at public sale for the discharge of arrears of the public assessment) until the term of it shall have expired. See Sec. iv Reg. XIV. 1812

Engagements above mentioned not to be affected by the transfer of the lands by public sale (except for arrears of revenue) or by any private act of the proprietors. [XLIV. 1793, iv.]

IV.* If the whole or a portion of any estate shall be transferred by public sale (excepting it be so disposed of for the discharge of arrears of the public revenue) or by private sale, gift, or otherwise, or shall devolve to any person upon the death of the former proprietor, according to the Hindoo or Mahomedan law of inheritance, the person or persons to whom the lands shall be so transferred or may so devolve shall not demand from the dependent talookdars, under-farmers, ryots, or other under-tenant, in the lands transferred, any sum beyond the amount specified in the lease, pottah, or other engagements, which may have been entered into between them and the former proprietor, previously to the transfer or devolution; provided that such engagement be not repugnant to the rules prescribed See Sec. iv Reg. XIV. 1812

* Sections iii. and iv. are extensions to the ceded provinces of Sections iii. and iv. Regulation XLIV. 1793, which were rescinded by Section iii. Regulation XVIII. 1812.

in Section I. and that such dependent talookdars, farmers, ryots, or other under-tenants, duly perform their part of it; but it shall remain in full force until the term of it shall have expired.

Superseded by Sec. xxvii. Act I. 1845.

See Secs. iv. and v. Reg. V. 1812.

When lands are sold to make good arrears of public revenue, all engagements subsisting between the proprietors and their dependent talookdars, farmers, and ryots, on account of such lands, to be null and void.

Exceptions to the rule.

[*XLIV.* 1793, *with additions.*]

V. *Whenever the whole or a portion of the lands of any zemindar, independent talookdar, or other actual proprietor of land, shall be disposed of at public sale for the discharge of arrears of the public assessment, all engagements which such proprietor shall have contracted with dependent talookdars or other dependent landholders, whose talooks or tenures may be situated in the lands sold, as also all leases to under-farmers and pottahs to ryots, for the cultivation of the whole or any part of such lands (with the exception of the pottahs and leases specified in Section VII. of this Regulation), shall stand cancelled from the day of sale, provided the public sale for arrears of assessment shall have taken place before the expiration of the second month of the current Fussily year, or from the commencement of the ensuing year, in case such public sale shall have taken place at any time after the second month of the current year; and the purchaser or purchasers of the lands, in all such cases, shall be at liberty to collect from such dependent talookdars or other dependent landholders, and from the ryots or cultivators of the lands let in farm and the lands not farmed, whatever the former proprietor would have been entitled to demand, according to the established usages and rates of the pergunnah or district in which such lands shall be situated, had the engagements so cancelled never existed;* provided, however, that all dependent talookdars or other dependent landholders, and all ryots or cultivators of land, whose leases and pottahs may become cancelled by a public sale, on account of arrears of assessment, under this section, shall be entitled to receive and to demand from the purchaser new pottahs, in conformity to the tenth and eleventh articles of the proclamation published by the Honourable the late Lieutenant-Governor and the Board of Commissioners in the ceded provinces, under date the 14th of July, 1802, with the Eleventh and Twelfth Clauses of Section LIII. Regulation XXVII. 1803, and under the rules prescribed in Regulation XXX. 1803, or any other Regulation which may be hereafter passed, for the protection and welfare of dependent talookdars, ryots, and other cultivators of the soil, in pursuance of the First Clause of Section XXXV. Regulation XXV. 1803.

Rule for the renewal of pottahs which may become cancelled under this section.

See Reg. I. 1815, and Sec. xvii. Reg. VII. 1822.

Proprietors or farmers not to demand an increase of rent from under-tenants, except in certain cases.

[*VIII.* 1793, *ib. with additions.*]

VI. *First.* Provision is made in Section XII. Regulation XXX. 1803, for preventing any increase of assessment being demanded from any mocurrerydar, istimrardar, or other description of under-tenant of land, who, at the period of the cession of the Nawaub Vizier to the English East-India Company on the 10th of November, 1801, shall have been entitled to hold his tenure at a fixed annual rent, and shall have actually held the same at a fixed invariable amount for twelve complete years before that period. It is accordingly hereby declared, conformably to the above provision, that no zemindar, or other actual proprietor of land, or farmer of land, or any other person whatever, shall demand an increase of rent from any dependent talookdar, or other description of under-tenant of land dependent on him, although he should himself be subject to the payment of an increase of jumma to Government, excepting upon proof that he is entitled so to do, either by the special custom of the district or by

the conditions under which the under-tenant holds his tenure, or that the under-tenant, by receiving abatements from his jumma, has subjected himself to the payment of the increase demanded, and that the lands are capable of affording it.

Penalty for proprietors or farmers making exactions from under-tenants.

Second. If, in any instance, it be proved that a zemindar, or other actual proprietor of land or farmer of land, has exacted more from an under-tenant than he is entitled to, the court shall adjudge him to pay a penalty of double the amount of such exaction, with all costs of suit to the party injured.

This Regulation not to prohibit proprietors from disposing of dependant talooks. [*XLIV.* 1793, *vi.*]

VII. Nothing contained in this Regulation shall be construed to prohibit any zemindar, independent talookdar or other actual proprietor of land, selling, giving, or otherwise disposing of any part of his lands as a dependent talook, under the notification contained in Section XXXVII. Regulation XXV. 1803; but such transfer will not be allowed, in any case, to affect the rights or claims of Government.

Nor to prohibit grants or leases for any term for the purposes herein specified, except to *British subjects and* Europeans. [*XLIV.* 1793, *viii.*]

VIII. Nor to prohibit actual proprietors of land granting, without the sanction of Government or its officers, to any person not being *a British subject or** a European, a lease or pottah for ground for any term of years, or in perpetuity, for the erection of dwelling-houses or buildings for carrying on manufactures, or for other purposes, and for offices for such houses or buildings, or for gardens.

See Sec. xxvii. Act I. 1845.

Superseded by Act IV. 1837.

Reg. XLVIII. 1803.

A.D. 1803. REGULATION XLVIII.

A REGULATION *for amending certain Parts of Regulation IV.* 1800, *entitled "A Regulation for preventing the Adulteration of common or alimentary Salt, by mixing with it Kharee Noon, and certain other Substances:"* PASSED *by the Governor-General in Council, on the* 14*th April,* 1803.

[Rescinded by Section II. Regulation X. 1819.]

A.D. 1803. REGULATION XLIX.

Reg. XXIX 1803.

A REGULATION *for the occasional Appointment of Assistant Judges of the Zillah and City Dewanny Adawluts; for altering and extending the Jurisdiction of the Registers of these Courts; for fixing a new Limitation of Appeals from the Zillah and City Courts to the Provincial Courts of Appeal; for authorizing the Appointment of head native Commissioners, for the Trial of referred Causes, to the Amount or Value of One Hundred Sicca Rupees; and for amending the existing Rules concerning the Appointment and Powers of native Commissioners for the Trial of Suits for personal Property not exceeding Fifty Sicca Rupees;* PASSED *by the Governor-General in Council, on the 5th of May,* 1803.

[Rescinded by Section II. Regulation XXIII., and Section II. Regulation XXIV. 1814.]

A.D. 1803. REGULATION L.

Reg. L. 1803.

A REGULATION *for extending, with Modifications, to the Criminal Courts, the Rules prescribed in Regulation IV.* 1793, *for procuring the Attendance of Witnesses, and requiring Oaths or solemn Declarations from Witnesses in the Civil Courts, and for explaining those Rules in their Application to particular Forms of Oath by the Courts, Civil and Criminal:* PASSED *by the Governor-General in Council, on the 5th May,* 1803.

I. SECTION VI. Regulation IV. 1793 (extended to Benares by Regulation VIII. 1795), contains rules for procuring the attendance and evidence of witnesses in the Civil Courts; for administering oaths to parties and witnesses; and for dispensing with the oaths of certain witnesses on their subscribing a solemn declaration. But these rules not having been included in any Regulation for the Criminal Courts; and Section V. Regulation IX. 1793 (extended to Benares by Regulation XVI. 1795), directing generally, with respect to all complaints preferred to the magistrate, that the complainant and the witnesses shall be examined upon oath; it has been questioned whether the magistrates or Courts of Circuit could, in any case, dispense with the oath of a prosecutor or witness, as well as by what means a witness objecting to be sworn could be compelled to give evidence upon oath in the Criminal Courts. Instances have, at the same time, occurred of prosecutors and witnesses refusing to take an oath before the magistrates and Courts of Circuit, under religious prejudices, or objections on account of their rank and caste; which prejudices do not appear to have any just foundation either in the Mahomedan or Hindoo

religion or law. On the contrary, the cauzee-ool-cozaat and mooftees of the Court of Nizamut Adawlut have declared that there is no prohibition against an oath to the truth being taken by Mussulmans in any case (although it is not required by the Mahomedan law to give validity to evidence in judicial cases); and from the report of the pundits of the Court of Sudder Dewanny Adawlut it appears, "that the Hindoo law not only authorizes, but requires, the oaths of witnesses in civil and criminal cases, and prescribes the form in which oaths may be administered to persons of various tribes, regard being had to the importance of the matter in dispute: that no person, of whatever rank, is prohibited from taking an oath in a court of justice; nor is there any objection, grounded on law or usage, against administering the oaths prescribed by the law: that Bramins, rigidly observant of the duties of the priesthood, are exempted by one ancient author (Gotum) from taking an oath, and may therefore be heard as witnesses upon their simple affirmation, but that the other authorities of the law, which do not contain this exemption, prevail over the single text of Gotum, and declare no dispensation in favour of any description of persons, and pronounce no form of oath sinful, excepting as far as the Soodra caste is restricted from handling certain idols; and that the form now in use, of swearing by water of the Ganges, and by copper and toolsy, is virtually sanctioned by many Shasters, but that other prescribed forms are of equal validity; and that all oaths, made by laying the hand on any symbol or image of the Deity have the same obligation." Under these authoritative expositions of the Mahomedan and Hindoo laws, it may be expected that the erroneous prejudice which has arisen against taking an oath will in time cease, and that all persons, of whatever rank or caste, or of whatever religious persuasion, will be ready, when called upon for their evidence in a court of justice, to establish its truth by the solemn appeal of an oath, especially if allowed to do so in any of the prescribed forms which may be practicable and suitable to the occasion. But so long as the existing prejudice may be entertained, and whilst, on this account, it may be judged proper to continue in force the rule contained in Section VI. Regulation IV. 1793, whereby witnesses in the Civil Courts, of a rank or caste which, according to the prejudices of the country, would render it improper to compel them to take an oath, are exempted from being sworn, on their subscribing the declaration prescribed in the said section, it is equally proper, and consistent with the principle and intention of the above rule, that it should be applied to persons of the same description, when examined as prosecutors or witnesses by the magistrates and other Criminal Courts. It is also proper, and conformable to the Mahomedan law, that in public prosecutions, the vakeel of Government, or other person acting as prosecutor for Government, should not be required to make oath or declaration to the truth of the charge which is preferred and prosecuted by him on the part of Government. And it is necessary that the provisions for compelling the attendance and evidence of witnesses in civil cases, contained in the Regulation aforesaid, should be made equally applicable to witnesses in criminal cases. For these several reasons and purposes, his Excellency the Most Noble the Governor-General in Council has enacted the following Regulation, to be in force, as soon as promulgated, throughout the provinces of Bengal, Behar, Orissa, and Benares.

Superseded by Act V. 1840.

II. *First.* Such part of Section VI. Regulation IV. 1793, as prescribes a rule to the Civil Courts for procuring the attendance and evidence of witnesses, *for administering oaths to witnesses, and for dispensing with the oath of witnesses of a rank or caste which, according to the prejudices of the country, would render it improper to compel them to take an oath, provided they shall subscribe one of the declarations set forth in the said section,* is hereby extended to witnesses whose attendance and evidence may be required by any zillah or city magistrate, or by the *Courts of Circuit* or Court of Nizamut Adawlut, in any criminal trials, or matters cognizable by the magistrates and these courts respectively. But all summonses to witnesses in criminal cases shall be served by a chupprassy, peon, or other officer of the magistrate, or by a police officer, instead of being delivered to parties to be served on their own witnesses, as admitted, at the discretion of the judges, in civil cases.

Part of the rules contained in Sec. vi. Reg. IV. 1793, extended to witnesses required by the zillah or city magistrates, or the *Courts of Circuit*, or Nizamut Adawlut. [*VIII.* 1803, *xxv.* 1.]

Summonses to witnesses to be served by chupprassies or other public officers.

Second. The power of committing to close custody, and fining in a sum not exceeding five hundred rupees, any witness duly summoned, and after receiving the summons not attending as thereby required, or, although attending, refusing to give evidence and sign his deposition, which by the section above mentioned is vested in the judges of the Civil Courts, shall be considered to be equally vested in the zillah and city magistrates, and in the *Courts of Circuit and* Nizamut Adawlut. But witnesses attending and refusing to give evidence, whether in the Civil or Criminal Courts, shall in the first instance be committed to custody only; and shall be called upon a second time, after such interval as may by the court be judged sufficient (not being less than one entire day), when if the witness persist in his refusal to give evidence, he shall be fined in proportion to his situation in life (not exceeding the amount limited), and confined in the gaol of the Civil Court until the fine be discharged, or for such period of imprisonment as may be fixed in lieu of the fine, under Section III. Regulation XIV. 1797; or, if the cause or trial in which the evidence of the witness may be requisite shall be still depending, until he shall consent to give his evidence therein; after which, in such case, he shall be released and the fine remitted.

Zillah and city magistrates, and *Courts of Circuit* and Nizamut Adawlut, empowered to commit to custody and fine witnesses not attending, or refusing to give evidence or sign their depositions. [*Ib.* 2.]

Third. Provided, however, that it be not considered necessary that any trial before a *Court of Circuit* be postponed to a future session for the evidence of a witness confined under this section; unless the judge of *circuit* should think it proper to postpone the same on this account, under the discretion vested in him by Section XLIX. Regulation IX. 1793; nor shall it be necessary to postpone the decision of any case, civil or criminal, for the evidence of a witness so confined, beyond such period as may appear proper to the court before which the suit or trial may be depending.

No trial before a *Court of Circuit*, nor the decision of any case, civil or criminal, to be postponed for the evidence of a witness so confined beyond such period as the court shall deem proper. [*Ib.* 3.]

Fourth. Provided also, that all fines imposed by the zillah and city magistrates under this section, whether for the non-attendance of witnesses duly summoned, or for the refusal to give evidence, shall be reported at the next ensuing goal delivery, with all proceedings relative thereto, to the judges of the *Courts of Circuit;* who, in the event of any representation being made to them relative to such fine, are to examine the magistrate's proceedings, and report to the Nizamut Adawlut (as required in other cases by Section XVII. Regulation IX. 1793, and Section V. Regulation IX. 1801) if the fine shall appear to be immoderate

See Act XXXI. 1841.

All fines imposed by the zillah and city magistrates under this section, to be reported to the *Court of Circuit;* who, on representation made to them, are to examine and report to the Nizamut Adawlut, should they deem the fines immoderate. [*Ib.* 4.]

or to have been imposed on insufficient grounds; or, if otherwise, are to inform the party complaining by a written order on his petition.

III. [What declaration to be subscribed by persons of caste, &c.]—*Superseded by Act V.* 1840.

The vakeel or prosecutor for Government exempted from swearing or subscribing a declaration in prosecutions on the part of Government. [*VIII* 1803, *xxv.* 5.]

IV. In charges preferred and prosecutions conducted on the part of Government, the vakeel of Government, or other person acting as prosecutor for Government, shall not be required to make oath or subscribe a declaration to the truth of the charge, when preferring it to the magistrate or stating it before the *Court of Circuit.*

V. VI. [What oaths may be administered to Hindoos and Mahomedans.]—*Superseded by Act V.* 1840.

Reg. LI. 1803.

A.D. 1803. REGULATION LI.

A REGULATION *for empowering the Court of Circuit established in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and the Nizamut Adawlut, to take Cognizance of all depending Criminal Cases, the Trial of which had been commenced previous to the Period when the Regulations passed on the 24th of March,* 1803, *for the Trial of Crimes and Offences committed in the said Provinces, were directed to take Effect:* PASSED *by the Governor-General in Council, on the 9th June,* 1803.

[Extinct.]

A.D. 1803. REGULATION LII.*

COMPARATIVE TABLE.

II.*	———	
III.*	———	Sec. II. Regulation X. 1793.
IV.*	———	Part of III. "
V. 1 to 3.*	———	*XXIII. XXIV. XXV. Regulation VIII.* 1793—Rescinded.
4.	———	XXVI. "
5.*	———	
VI.	———	XLVIII. Regulation XIV. 1793.
VII.	———	II. Regulation III. 1796.
VIII.	———	IV. Regulation X. 1793.
IX. 1, 2, 3.	———	1, 2, 3, Sec. V. "
4.*	———	4, *Sec. V.* " Rescinded.
5, 6.	———	5, & 6. Sec. V. "
X. XI.	———	VI. VII. "
XII.	———	VIII. " Rescinded. XXVI. Regulation VII. 1799.
XIII. XIV. XV.	———	IX. X. XI. Regulation X. 1793.
XVI. 1.*	———	1, Sec. XII. "
2.	———	2, Sec. XII. "
XVII. to XL.	———	XIII. to XXXVI. "
XLI.*	———	

A REGULATION *for establishing a Court of Wards in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 9th of June,* 1803.

I. WHEREAS it is provided, in the proclamation published by the Honourable the late Lieutenant-Governor and the Board of Commissioners in the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, under date the 14th of July, 1802, relative to the settlement of the land revenue in the said provinces, that the settlement shall be concluded with the zemindars or other actual proprietors of the soil, excepting in cases in which they shall be deemed to be disqualified, from the badness of their character or from other good and sufficient cause: and whereas it is essential to the interest and happiness of minors,

* This Regulation is a re-enactment of Reg. X. 1793, and contains the whole of the provisions of that Regulation, with additional sections from Regs. VIII. 1793, and III. 1796. —Clauses 1, 2, and 3, of Sec. v. are taken from Secs. xxiii. xxiv. and xxv. Reg. VIII. 1793, which have been rescinded by Sec. ii. Reg. XVII. 1805, but these clauses are not included in the rescission.—Clause 4, of Sec. ix. is the same as Clause 4, Sec. v. Reg. X. 1793, which was rescinded by Sec. ii. Reg. VII. 1796, consequently "notoriously bad character" is a ground of disqualification in the Upper though not in the Lower Provinces.—Certain additional provisions enacted for the Lower Provinces by Regs. L. 1793, and LV. 1795, not having been incorporated into this Regulation, were subsequently enacted for the Ceded and Conquered Provinces by Sec. xxix. Reg. VIII. 1805, by which section, Reg. I. 1800, relating to the appointment, by the courts of justice, of guardians for disqualified proprietors of joint estates, was also enacted for these provinces.

and of such females as shall not be deemed competent to the management of their own estates, and of idiots, lunatics, and other proprietors of land paying revenue to Government, who are or may be rendered incapable of managing their lands, by natural defects or infirmities of whatever nature, that the lands of persons coming within the above descriptions should be managed, for the benefit of the proprietors, by persons appointed to the trust by Government; and that a Court of Wards should be instituted, with powers to superintend the conduct and inspect the accounts of the managers of the estates of such persons, and with instructions to provide for the education of minors in a manner suitable to their rank and circumstances in life; the following rules have been accordingly enacted.

The Board of Revenue constituted a Court of Wards for the superintendence of the persons and estates of disqualified landholders.

II. The Board of Revenue is hereby constituted a Court of Wards for the superintendence of the persons and estates of zemindars, and other actual proprietors of land paying revenue to Government, who are or may be disqualified for the management of their own lands, in consequence of their coming under any of the descriptions of disqualified landholders specified in Section III. of this Regulation.

To whom the superintendence of the Court of Wards extends.
[X 1793. ii.]

III. With the exception specified in Section VII. of this Regulation, the superintendence of the Court of Wards shall extend to the persons and estates of all proprietors of entire estates paying revenue immediately to Government, who are or may be females not deemed by the Governor-General in Council competent to the management of their own estates, minors, idiots, lunatics, or others, rendered incapable of managing their estates by natural defects or infirmities of whatever nature; as well as all proprietors of such estates, who are or may be deemed disqualified on account of notoriously bad character. To prevent misconstruction, it is declared, that by the terms "all proprietors of entire estates paying revenue immediately to Government," are meant every such disqualified person who may be the sole proprietor of an estate, and any two or more persons, being proprietors of the whole of an estate, both or all of whom may be so disqualified.

To whom the superintendence of this court is not meant to extend.
[X. 1793, *part of iii.*]

IV. The superintendence of this court shall not extend to proprietors of estates not paying revenue immediately to Government, nor to joint proprietors of estates paying revenue immediately to Government, both or all of whom may not be of the description specified in Section III. of this Regulation.

Settlement of undivided estates possessed by two or more proprietors, all of whom may not come within the description of disqualified landholders, to be made with them jointly, but their lands to be entrusted to a manager.
[*VIII.* 1793, *xxiii.*]

V.* *First.* Where more proprietors than one possess an undivided estate, and the whole of them be not within the description of disqualified landholders specified in Section III. the settlement shall be made with them jointly; and they are required to elect a serberakar, or manager, who shall have the exclusive management of their lands during the continuance of his appointment. The determination of the majority of the proprietors, or of the majority of those present in the event of the absence of any, shall be binding on the remainder in the choice of a manager; and when the votes of the proprietors are equal, the election of the manager shall be determined by the greater interest of the proprietors in the property. If, in

* See note at the beginning.

any case, the interest also be equal, the manager shall be appointed by the Board of Revenue.

Second. In instances where part of the proprietors described in the foregoing clause may be minors, lunatics, idiots, or others, having guardians, such guardian shall vote for them.

Cases in which the guardians of proprietors shall vote for them in the choice of a manager.

[*VIII.* 1793, *xxiv*]

Third. If the joint proprietors of undivided estates, the whole of whom may not be of the description of disqualified landholders mentioned in Section III. shall neglect to elect a serberakar, on the requisition of the collector of the revenue of the zillah in which such estates may be situated, the latter is authorized to nominate a manager for the approbation of the Board of Revenue, which manager, when confirmed by that Board, shall have the exclusive management, as long as it may be deemed advisable to continue him in that trust. The expense attendant on the appointment of the manager shall nevertheless be defrayed by the proprietors, who shall also be responsible for the discharge of the public revenue.

Collector to nominate managers for undivided estates, in certain cases, subject to the confirmation of the Board of Revenue Authority vested in the manager so appointed.

[*Ib. xxv.*]

Expense to be defrayed by the proprietors, who are also responsible for the public revenue.

See Sec. x. Reg. VII 1822.

Fourth. The determination of the majority of the proprietors present, under the restrictions specified in Clause First of this section, shall also be binding on the remainder, in agreeing or disagreeing to the jumma proposed for undivided estates: the sharers, however, if dissatisfied, may obtain a division of their lands, and a proportionate allotment of the revenue assessed thereon, but at their own expense.

The determination of the majority of the proprietors present binding on the remainder.

[*Ib. xxvi*]

Dissatisfied sharers may obtain a division of their lands at their own expense.

Fifth. The rules contained in the present Regulation for the management of the persons and estates of disqualified landholders shall not be held applicable to proprietors, managers, and guardians, of the descriptions specified in the foregoing clauses of this section.

Rules contained in this Regulation for the management of the persons and estates of disqualified landholders, not applicable to the persons and estates described in this section.

VI. The lands of disqualified landholders, of the descriptions specified in Section III. (with the exception specified in Section VII.) shall not be liable to be sold for arrears of public revenue, on account of the period during which such lands may be under the charge of the Court of Wards. In like manner, the persons of disqualified landholders shall be exempted from arrest and confinement for arrears of revenue, incurred whilst their respective estates were under the charge of managers, in conformity to the rules contained in this Regulation. The collectors are also prohibited from ordering any disqualified female proprietor of land to attend them in person, under any pretext whatever.

Lands of disqualified landholders described in Sec. iii. (with the exception in Sec. vii.) not liable to be sold for arrears of revenue while under the charge of the Court of Wards.

The persons of disqualified landholders also exempted from arrest and confinement for arrears of revenue while their estates are under the charge of the Court of Wards.

Collectors not to require the personal attendance of any female disqualified landholder under any pretext whatever.

[*XIV.* 1793, *xlviii. mod.*]

VII. The ordinary jurisdiction of the Court of Wards is declared to extend to such estates only as devolve to disqualified landholders, in the regular course of inheritance, on the demise of the party from whom they inherit the same. All landed estates, whether subject to or exempt from the payment of revenue, which have or may become the property of any disqualified landholder, by purchase, gift, or in virtue of any other right, excepting that of inheritance as aforesaid, are declared exempt from the jurisdiction and authority of the Court of Wards; and if subject to the payment of public revenue, shall be liable to sale for arrears thereof and all other demands on the part of Government, in the same manner as if the proprietor or proprietors were not under any disqualification. Provided, however, that it shall be competent to the Governor-General in Council to commit to the charge of the Court of Wards any estate paying

Ordinary jurisdiction of the Court of Wards to extend to such lands only as devolve to disqualified proprietors by inheritance, on the demise of the party from whom they inherit.

[*III.* 1796, *ii.*]

The Governor-General in Council competent to commit to the charge of the court the

lands of disqualified proprietors, in certain cases, although the lands shall not have descended to them by inheritance, as above stated, under the powers herein reserved to him.

revenue to Government, being the sole property of any disqualified person, or of any two or more persons, both or all of whom may be disqualified, although the same shall not have descended to such person or persons in the regular course of inheritance as aforesaid, and also any lakheraj lands belonging to such proprietor or proprietors, whenever the same shall appear to him for the interests of Government and the proprietor or proprietors; and such estate and lands so committed to the charge of the Court of Wards shall be exempt from sale for arrears of revenue accruing whilst they shall be under the charge of the court, and shall be considered, in all respects, as far as regards the management of them by the court, the same as if they had devolved to the proprietor or proprietors in the regular course of inheritance as aforesaid; and the proprietor or proprietors shall, in all respects, be treated by the court accordingly.

VIII. [*Same as Section IV. Regulation X.* 1793.]

IX. *First, Second, and Third.* [*Same as Clauses First, Second, and Third, Section V. Regulation X.* 1793—*see Section XXIX. Regulation VIII.* 1805.]

Notoriously bad character. [*X.* 1793, *V.* 4.]

*Fourth.** If a proprietor of land shall be deemed disqualified on the ground of notoriously bad character, the Board of Revenue shall instruct the collector to submit a statement of the circumstances, through the vakeel of Government, to the judge of the Adawlut of the zillah, who shall forward it to the Sudder Dewanny Adawlut. This court shall issue a precept to the judge of the zillah, *or to the Provincial Court of Appeal,* to inquire into the circumstances of the case, in the presence of the party or his vakeel, who are respectively to be allowed to produce any evidence which they may have to adduce. The court shall report the result of its proceedings, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall finally determine whether the stated ground of disqualification be well founded or not, and report its decision to the Governor-General in Council, who will order the estate to be committed to the charge of the Court of Wards, or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be disqualified or otherwise.

Fifth and Sixth. [*Same as Clauses Fifth and Sixth, Section V. Regulation X.* 1793, *excepting that* "Clause Fourth" *of this section is not rescinded like the corresponding Clause of Regulation X.* 1793.]

X. XI. [*Same as Section VI. VII. Regulation X.* 1793.]

Rules to be observed in the selection of managers. [*X.* 1793, *viii. and VII.* 1799, *xxvi.*]

XII. The manager, who shall be denominated serberakar, shall be chosen by the collector, subject to the approbation of the Court of Wards; and his commission shall be signed by the collector and authenticated by his official seal. In recommending persons for this trust, capacity for the business, goodness of character, and sufficient responsibility, are to be particularly attended to. The managers of the estates of disqualified landholders shall be chosen without any regard to their connection with the proprietors, or to the will of the disqualified proprietors themselves in the election of such managers, who are to be considered, in every respect,

* See note at the beginning.

the officers of Government acting under the collectors; and the latter will be held responsible for the nomination of proper persons, both as to character and capacity for the trust. The collectors will take into immediate consideration the conduct of the present serberakars of the estates of disqualified landholders during the period they have acted as managers respectively; and if, from a deficiency in the collections or misappropriation of their receipts, or other cause, they shall see reason to be dissatisfied with the conduct of any manager, they will report the same to the Court of Wards, and propose the removal of such manager, with their recommendation of a person better qualified to succeed him.

XIII. XIV. XV. [*Same as Sections IX. X. XI. Regulation X.* 1793.]

Rules for the guidance of the collectors and managers regarding the payment of the public assessment, and general appropriation of the managers' receipts. [*X.* 1793, *xii.* 1.]

XVI. *First.* The assessment of the public revenue on lands, the property of disqualified proprietors, shall be determined in the same manner as the assessment of other lands subject to the payment of revenue to Government, under the rules prescribed in Regulations XXV. and XXVII. 1803; and the following orders have been passed for the guidance of the managers and collectors, regarding the payment of this assessment, as well as respecting the general appropriation of the receipts of the managers from the lands under their charge.

Second. [*Same as Clause Second, Section XII. Regulation X.* 1793.]

XVII. XVIII. [*Same as Sections XIII. and XIV. Regulation X.* 1793.]

XIX. [*Same as Section XV. Regulation X.* 1793, *substituting* "Section XI." *for the corresponding* "Section VII."]

XX. [*Same as Section XVI. Regulation X.* 1793, *substituting Regulation* "XLVII. 1803," *for the corresponding* "XLIV. 1793."]

XXI. [*Same as Section XVII. Regulation X.* 1793, *substituting* "Section XVI." *for the corresponding* "Section XII."]

XXII. XXIII. [*Same as Sections XVIII. and XIX. Regulation X.* 1793.]

XXIV. [*Same as Section XX. Regulation X.* 1793, *substituting* "Section XI." *for the corresponding* "Section VII."]

XXV. [*Same as Section XXI. Regulation X.* 1793, *substituting* "Section XII." *for the corresponding rescinded* "[Section VIII.]"]

XXVI. XXVII. XXVIII. [*Same as Sections XXII. XXIII. and XXIV. Regulation X.* 1793.]

XXIX. [*Same as Section XXV. substituting* "Section XV." *for the corresponding* "Section XI"]

XXX. XXXI [*Same as Sections XXVI. and XXVII. Regulation X.* 1793.]

XXXII. [*Same as Section XXVIII. Regulation X.* 1793, *as modified—viz. substituting* "eighteenth" *for* "fifteenth."]

XXXIII. [*Same as Section XXIX. Regulation X.* 1793, *substituting* "Section XXV." *for the corresponding* "Section XXI."]

XXXIV. and XXXV. [*Same as Sections XXX. and XXXI. Regulation X.* 1793.]

XXXVI. [*Same as Section XXXII. Regulation X.* 1793, *substituting* "Section XXVI." *for the corresponding* "Section XXXII."]

XXXVII. XXXVIII. XXXIX. [*Same as Sections XXXIII. XXXIV. XXXV. Regulation X.* 1793.]

XL. [*Same as Section XXXVI. Regulation X.* 1793, *substituting* "Section XXXVI. Regulation XXVII. 1803," *for the corresponding* "Section XXXIII. Regulation XIV. 1793."]

When the lands of disqualified landholders shall come under the management of the officers of Government the collectors empowered to proceed against defaulting under-renters and their sureties, in the same manner as they are authorized to proceed against under-renters, in certain cases, by Reg XXVII. 1803.

XLI. When the lands of disqualified landholders, paying revenue to Government, shall come under the immediate management of the officers of Government, in pursuance of the present Regulation, so that the rents are collected by such officers from the ryots, dependent talookdars, under-farmers, or other descriptions of under-tenants, the collector shall proceed against defaulting under-renters, of whatever denomination, from whom arrears of rent may be due, and their sureties, conformably to the rules prescribed by Regulation XXVII. 1803, for the recovery of arrears of rent due to proprietors and farmers of land paying revenue to Government, which rules shall be considered equally applicable to the managers of the estates of disqualified landholders.

Reg. LIII. 1803.

A.D. 1803. REGULATION LIII.

A REGULATION *for determining the Punishment to be adjudged by the Criminal Courts of Judicature, in Cases wherein a Discretion is left by the Mahomedan Law; for defining the Crime and Punishment of Robbery by open Violence; and for declaring what Convicts shall be hereafter liable to Transportation, or to Banishment; as well as the Punishment of such as may return from Transportation, or escape from Confinement, during the Periods of their Sentences:* PASSED *by the Governor-General in Council, on the* 21*st July*, 1803.

I. THE Mahomedan law vests in the sovereign and his delegates the power of sentencing criminals to suffer discretionary punishment (under the legal denominations of tazeer, acoobut, and seeasut), in three cases.

First, in the case of offences for which no specific penalty of hud or kissaas has been provided by the law; being, for the most part, offences not of a heinous nature, the punishment of which is left discretionary, below the measure of the specific penalties, for the correction and amendment of the offender. Secondly, for crimes within the specific provisions of hud and kissaas; when the proof of the commission of such crimes may not be such as the law requires for a judgment of the specific penalties, though sufficient to establish a strong presumption of guilt; or although the proof be such as is required for a sentence of hud or kissaas, when such sentence is barred by a remission of the claim to retaliations in cases of kissaas, or by any of the special exceptions and scrupulous distinctions which (under the general denomination of shoobah) are considered by the prevalent authorities of Mahomedan law to bar a judgment for the specific penalties of that law. Thirdly, for heinous crimes, in a high degree injurious to society; and particularly for repeated offences of this description, which, for the ends of public justice (as expressed by the term seesaut) may appear to require exemplary punishment beyond the prescribed penalties; and with respect to crimes of this description, an unlimited discretion, extending to capital punishment, is admitted to have been left by the Mahomedan law to the sovereign authority of every country in which that law prevails, as well as to its judiciary delegates. In the adjudication of punishments under the discretion thus allowed by the Mahomedan law, especially in the second of the three cases above stated, it has been observed, that the futwahs of the Mahomedan law officers of the Criminal Courts are often governed by a consideration of the degree of proof against the party accused, rather than the degree of guilt and criminality of the act established against him; and the penalties awarded by them, in such cases, are either adjudged on insufficient proof of guilt, or are inadequate to the heinousness of the offence of which the prisoner is convicted. It is, therefore, necessary that provision be made for determining the punishment to be adjudged by the Criminal Courts, in all cases wherein a discretion is left by the Mahomedan law, as well to guard against the infliction of any punishment without sufficient evidence of guilt, as to maintain the uniform and adequate punishment of offenders, when convicted, according to the criminality of the offences established against them. It is further requisite to define the crime and punishment of robbery by open violence, under the continued prevalence of this atrocious crime, which is frequently attended with murder, or with maiming, or other personal injury, as well as with the crime of arson or wilful burning of houses, and other aggravating circumstances, and for the punishment of which the specific provisions of the Mahomedan law, under the distinctions admitted to except offenders from the stated penalties, as well as from a distinction in the received construction of that law, between highway robbery at a distance from any inhabited place, and robberies not committed on or near the highways, or committed in or near any place inhabited, have been found altogether inadequate. In the case of murder committed by one or more robbers on the highway (kuttâ-ool-tureek) at a distance from any inhabited place, the whole of the principals and accomplices are subject, by the Mahomedan law (under its specific provision of hud, or stated punishment by the right of God, being, in other words, exemplary punishment inflicted for the prevention of crimes, which is the end of public

justice), to a sentence of death. The same punishment, in this instance, is inflicted on the whole band, in consideration of each of them being aiding and abetting to the others; and this principle, as allowed by some of the Mahomedan lawyers, is obviously applicable to all murders and other crimes committed by open violence, and by a number of persons assisting and supporting each other, whether on the highway, remote from or near to an inhabited place, or within a place inhabited, or in any other place whatever. But, according to the prevailing doctrines, this provision of the Mahomedan law, as well as the provisions it contains for the punishment of highway robbery without murder, by amputation of two limbs, cannot be applied to murders or robberies committed in any other place than on or near the highway, at a distance from any place inhabited; and even with respect to these, it is held that the specific punishment is barred by any one of the band of robbers being under age, or a lunatic, or a relation within the prohibited degrees of the person robbed or murdered; or by the person robbed or murdered not being a fixed resident, under the permanent protection of the Mussulman government; or, with respect to robberies, by one of the robbers having a joint interest in the property plundered, or such property not being considered in legal custody with respect to any one of the robbers; or, lastly, with regard to the separate punishment of each robber, if his share of the property taken shall not amount in value to ten dirms, being, according to the received calculation of the dirm, somewhat less than three sicca rupees. These distinctions are evidently repugnant to the principles of public and equal justice; and it is highly requisite that provision be made for the more certain and adequate punishment of the heinous crimes of murder and robbery, as well as of robbery with or without any other acts of aggravated criminality, wheresoever the same may be committed. Moreover, the rules at present in force for the transportation of convicts who escape from confinement and are reapprehended, as well as of other convicts sentenced to short periods of imprisonment, have been found open to objection; and it is judged advisable that none, except persons convicted of heinous offences and sentenced to be imprisoned for life, shall be hereafter transported beyond sea; substituting banishment from the district in which the offender's place of abode may be situated, with hard labour on the public roads or other public works, for convicts sentenced to limited imprisonment, and in consideration of the nature of their offences, deemed proper objects of this mode of punishment. His Excellency the Most Noble the Governor-General in Council has, accordingly, for the several reasons and purposes aforesaid, enacted the following rules, to be in force from the time of their promulgation in the provinces of Bengal, Behar, Orissa, and Benares, as well as in the provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier.

Futwah to be given by law officers of the *Courts of Circuit* in all cases of discretionary punishment.

II. *First.* In all trials before the *Courts of Circuit*, wherein the Mahomedan law officers of those courts may consider the prisoner liable to discretionary punishment (tazeer, acoobut, or seeasut), their futwah shall declare the same generally, with a statement of the grounds on which the prisoner is adjudged subject to discretionary punishment, leaving the measure of punishment, in such cases, to be determined by the judge of *circuit* before whom the trial may be held, or by the Court of Nizamut

Adawlut, under the provisions contained in this or any other Regulation.

Second. If the crime for which the prisoner is declared liable to discretionary punishment, in such cases, shall have been specifically provided for by any subsisting Regulation, denouncing the penalty to be adjudged on proof of the commission of such crime, and the judge before whom the trial may be held shall consider the crime to have been established against the prisoner, whether by his free and voluntary confession, or by the testimony of credible witnesses, or by strong circumstantial evidence, he shall sentence the prisoner to suffer the punishment for such crime prescribed by the Regulations; or, if the case be referable under the Regulations for the sentence of the Nizamut Adawlut, shall transmit the trial, with his opinion thereupon, to that court.

Sentence to be passed in such cases, if the crime have been provided for by any Regulations.

Third. If the crime for which the prisoner is declared liable to discretionary punishment shall not have been specifically provided for by any Regulation denouncing the penalty to be adjudged on proof of the commission of it, but be such as would have subjected the prisoner to the specific penalty of hud or kissaas provided by the Mahomedan law, if he had been convicted by full legal evidence, and the futwah of the law officer shall declare him liable to discretionary punishment, in consequence of the evidence not being such as the Mahomedan law requires for a sentence of hud or kissaas, though sufficient to convict the prisoner on strong presumptive proof or violent presumption (ghalib-oo-zun), the judge before whom the trial may be held, provided he concur in the conviction of the prisoner, shall require the law officer to declare by a second futwah to what specific punishment (of hud or kissaas) the prisoner would have been liable under the Mahomedan law, if he had been convicted by full legal evidence, and shall proceed thereupon to pass sentence according to such second futwah (commuting the punishment, if any Regulation require it); or if the case be referable for the sentence of the Nizamut Adawlut, shall transmit the trial, with his opinion, to that court.

Second futwah to be required, and sentence passed thereupon, if the crime have not been provided for by any Regulation, but be specifically provided for by the Mahomedan law, and the penalty of hud or kissaas is not adjudged from the prisoner's being convicted on presumptive proof, not on full legal evidence.

Fourth. The judge before whom the trial may be held shall proceed in like manner as directed in the preceding clause, when the crime of which the prisoner is convicted (whether upon full legal evidence or upon strong presumptive proof) may not have been specifically provided for by any Regulation, but would subject the prisoner to the specific penalty of hud or kissaas provided by the Mahomedan law, if the sentence against him for such penalty were not barred by some special exception or scrupulous distinction (shoobah), not affecting the nature and criminality of the offence, and evidently repugnant to the principles of equal justice, in consequence of which bar to a judgment for the specific penalty the prisoner is declared liable to discretionary punishment. In such cases, the law officer is to declare, by a second futwah, to what punishment the prisoner would have been liable under the Mahomedan law for the crime committed by him, if the special exception or distinction, by which hud or kissaas is barred in the particular case, had not existed; and the judge is to proceed thereupon as directed in the preceding clause.

Similar mode of proceeding to be observed when the crime may not have been provided for by any Regulation, and a sentence of hud or kissaas is barred by some legal exception or distinction, not affecting the nature of the offence, and repugnant to justice.

Fifth. Nothing in this section, however, shall be construed as authorizing a sentence of discretionary punishment exceeding, or equal to, the specific punishment prescribed by the Mahomedan law, in cases where such specific penalty is remitted or mitigated by the provisions of the

Explanation of this section in cases where the specific penalty is remitted or mitigated by the Mahomedan law in consideration of cir-

cumstances which alter the nature and diminish the criminality of the offence.

Mahomedan law, in consideration of circumstances which alter the nature, and diminish the criminality of the offence; unless such enhanced or equal punishment for the crime in question shall have been expressly denounced by some Regulation in modification of the Mahomedan law.

Further explanation that no punishment is to be inflicted upon suspicion only, or weak presumption of guilt, not sufficient for conviction

Sixth. Nor shall any part of the present Regulation be considered to authorize the infliction of any punishment whatever upon suspicion only (termed by the Mahomedan lawyers wuhm, shuk, or shoobah zaeefah), when the evidence against the prisoner is undeserving of credit, or the presumption of his guilt, arising from credible testimony, or circumstantial evidence, is weak, and does not amount to the degree of strong and violent presumption held sufficient for conviction, and recognized as such in the Mahomedan law, under the denominations of ghalib-oo-zun, akbur-oo-raee, and shoobuh-oo-cuvvee, or shoodeed. When the judge before whom a prisoner may be tried shall not consider him convicted on such presumptive proof, or on the evidence of credible witnesses, or on his own confession, he shall not sentence the prisoner to suffer any punishment, whatever may be the futwah of the law officer. But [*in cases of strong suspicion, though not amounting to conviction, as well as*] upon proof of notorious bad character, the judge of *circuit* may direct the zillah or city magistrate to detain the prisoner in custody, until he shall give sufficient security for his future good behaviour and appearance when required.

But *Courts of Circuit*, in cases of *strong suspicion and* notorious bad character, may direct security to be taken for future good behaviour and appearance.

Rescinded by Cl. 1, and see Cl. 2, Sec. ii. Reg. VIII 1818.

Courts of Circuit how to proceed in cases of conviction, and discretionary punishment, not specifically provided for by any Regulation, or by the Mahomedan law.

Seventh. If the crime of which a prisoner is convicted, and for which he is declared liable to discretionary punishment, shall neither have been specifically provided for by any Regulation, nor by any stated penalty in the Mahomedan law, and the judge before whom the trial may be held shall consider the crime to have been established against the prisoner and deserving of punishment; he shall, after consulting with the law officer respecting the measure of punishment which, under the discretion left by the law, and the whole of the circumstances of the case, should be inflicted upon the prisoner, adjudge the prisoner to suffer such punishment as may appear adequate to his guilt and the nature of the offence of which he is convicted, not exceeding *corporal punishment of thirty-nine stripes, and* imprisonment with hard labour for the term of seven years. If, in any instance, this degree of punishment appear to the judge *of circuit* insufficient, in a case not specifically provided for by the Mahomedan law or the Regulations, he shall transmit the trial, with his sentiments thereupon, to the Court of Nizamut Adawlut.

See Cl. 2, Sec. vi. and Sec. vii. Reg. XVII. 1817.

What persons shall be deemed guilty of the crime of robbery by open violence; and, on conviction, how punishable for such crime, with or without circumstances of aggravation.

III.* *First.* Any person or persons who shall, in the day or in the night, go forth with any offensive weapon, or in a gang with or without an offensive weapon, with the criminal intent of committing robbery, and shall, by force or intimidation, rob, or attempt to rob, any person or persons on or near a highway, or on a river, lake, or other water, or in or near a city, town, or village, or in any other place whatever, or shall attack by

The punishments under this Section are modified by Secs. iii. and iv. Reg. VIII. 1808

* It is enacted by Act XXIV. 1843, that persons convicted of having belonged to a gang of dacoits may be transported for life, or imprisoned for a less time with hard labour, and that no futwa shall be required by any court on trial for dacoity, with or without murder—for having belonged to a gang of dacoits—or for receiving property plundered by dacoity; and that persons may be tried for those offences before any court which would have been competent to try them, if the offence had been committed in the zillah in which such court sits.

open violence, and rob, or attempt to rob, any dwelling-house, or other house or building, or any tent, boat, or other receptacle of persons or property, in which there may be any person or property at the time of such robbery, or of such attempt to rob, shall be deemed guilty of the crime of robbery by open violence (denominated in the Mahomedan law suruca-i-kubra, and more commonly shub-khoone, or dukytee); and on due conviction thereof, whether by free and voluntary confession, or by the testimony of credible witnesses, or by strong circumstantial evidence, shall be adjudged to suffer such of the penalties declared in the next section as may be applicable to the case, viz. according as the robbery may be with or without homicide, wounding, maiming, or other personal injuries, or with or without other circumstances of aggravation.

In such cases the punishment not to depend upon the property plundered, nor to be affected by any of the circumstances noticed in the preamble to this Regulation, nor by any other provision in the Mahomedan law; provided the party convicted be a proper object of punishment.

Second. In such cases of robbery by open violence, the punishment of the offenders shall not depend upon the amount, value, or description of the property plundered. Nor shall any of the circumstances noticed in the preamble to this Regulation, as barring a sentence of hud under the Mahomedan law in cases of highway robbery, nor any other provision in that law, be hereafter allowed to operate against the punishment of persons convicted of highway robbery, or of any robbery by open violence, as defined in the preceding clause of this section; or of murder, or other acts of criminality committed in the prosecution of such robbery; or of an intent to rob: provided, as in all other cases of criminal conviction and punishment, that the party convicted be adult and of sound understanding, so as to render him a proper object of punishment.

Superseded by Sec. iii. Act XXIV. 1843.

Courts of Circuit how to proceed upon the futwahs delivered by the law officers in all such cases.

Third. In all such cases of conviction of robbery by open violence, or of murder, or other criminal acts, done in prosecution of such robbery, or of an intent to rob, if the law officer of the Court of Circuit declare the prisoner liable to discretionary punishment, the judge before whom the trial may be held is to proceed as directed in Clause Second, Section II. of this Regulation. If the law officer declare the prisoner liable to suffer death under the Mahomedan law, the judge is to refer the trial to the Court of Nizamut Adawlut, with his opinion, as directed by the existing Regulations; or if the law officer declare the prisoner liable to amputation of limb under the Mahomedan law, the judge is either to refer the trial for the sentence of the Nizamut Adawlut, or to commute the punishment and pass sentence against the prisoner, in conformity to the ensuing section, according as the degree of punishment to be adjudged, or any provision in the Regulations, may require a reference of the trial for the sentence of the Nizamut Adawlut, or otherwise.

See note to Sec. iii.

What judgment to be passed in cases of murder committed in the prosecution of robbery, or an intent to rob.

IV. *First.* All persons convicted of being the heads or leaders of a gang of robbers by whom a murder may have been committed, or of having been actively concerned in the perpetration of such murder, or of any murder committed in the prosecution of robbery or an intent to rob, or of having been present, aiding and abetting, when such murder was committed, or, though not present, of having procured and caused by hire, counsel, or command, the perpetration of such murder, in pursuance of a preconcerted plan to commit the same, or to commit robbery, shall be adjudged to suffer death.

Judgment to be given in cases of wounding, maiming, or other per-

Second. All persons convicted of being the heads or leaders of a gang of robbers by whom any person may have been wounded, maimed, burnt, or

sonal injury, torture, or cruelty, not occasioning homicide, or of arson or other criminal and aggravating acts committed in the prosecution of a robbery or intent to rob.

subjected to other personal injury, torture, or cruelty, not occasioning homicide, or by whom a dwelling-house or houses may have been set on fire, or any other criminal and aggravating act committed, in the prosecution of a robbery or intent to rob, as well as persons convicted of having been actively concerned in any of the acts aforesaid, done in prosecution of a robbery or intent to rob, or of having been present, aiding and abetting, when any such acts were committed, or, though not present, of having procured and caused, by hire, counsel, or command, the perpetration of any such acts in pursuance of a preconcerted plan to commit the same or to commit robbery, shall be adjudged to suffer imprisonment and transportation for life. Moreover, any leaders of gangs, or other heinous offenders, convicted of a repetition of the crime described in this clause, or without such repetition, of a degree of cruelty, violence, or other aggravating criminality, *which, under the discretion allowed by the Mahomedan law in cases of seeasut, may be punishable with death, and* which may appear to the Court of Nizamut Adawlut to render such heinous offenders deserving of capital punishment, shall be liable to a sentence of death.

Provision for cases of repetition, and other heinous cases within this clause.

Judgment to be passed in cases of robbery or an attempt to rob, without homicide, and without any personal injury or other act of aggravation.

Third. All persons convicted of being the heads or leaders of a gang of robbers by whom a robbery may have been committed without homicide, and without any personal injury or other act of aggravation, as specified in the preceding clause, or by whom any violent attempt shall have been made to commit such robbery though not effected, as well as persons convicted of having been actively concerned in any such robbery or attempt to rob, or having been present, aiding and abetting, at such robbery or attempt to rob, or though not present, of having procured and caused, by hire, counsel, or command, the perpetration of such robbery or attempt to rob, in pursuance of a preconcerted plan for this purpose, shall be adjudged to suffer imprisonment and hard labour for the period of fourteen years. The Court of Nizamut Adawlut are further empowered to extend their sentences to imprisonment and transportation for life, upon any leaders of gangs, or other offenders, convicted of a repetition of the crime described in this clause, or without such repetition, if from proof of the notorious bad character of the party convicted, or on consideration of any other circumstance appearing upon the trial to aggravate the guilt of any particular prisoner, and evince the danger of his future depredations if set at liberty, it shall, in the judgment of that court, be just and necessary to inflict a more severe punishment than imprisonment and labour for the term of fourteen years.

Rescinded by Sec. ii. Reg. VIII. 1808.

Provision for cases of repetition, notorious bad character, or aggravation of guilt, within this clause.

Judgment to be given against persons going forth to rob, but apprehended before they have committed robbery or made any attempt to rob.

Fourth. Persons convicted of going forth with a gang of robbers for the purpose of committing robbery, but apprehended before they have committed such, or have made any violent attempt for the purpose, so as to bring them within the provision contained in the preceding clause, shall be adjudged to suffer imprisonment and hard labour for such period, not exceeding seven years, as the circumstances of the case may appear to merit.

See Sec. ix. Reg. VIII. 1808.

Superseded by Sec. i. Act XXIV. 1843.

General provision for a mitigation of punishment under the several clauses of this section in any cases of extenuation, or when the example may appear sufficient for the ends of justice without extending the full punishment to the whole of the prisoners convicted.

Fifth. Provided, with respect to all the crimes and degrees of punishment specified in the several clauses of this section, if from any extenuating circumstances which may appear on the trial before the *Courts of Circuit* or Court of Nizamut Adawlut, the stated punishment shall, in any particular instance, appear too severe, or if on consideration of the number of prisoners convicted of the same crime, and of any discriminative circumstances with respect to one or more of them, the example shall appear sufficient for the ends of justice, without extending the full degree of the

See Sec. ii. Act XXIV. 1843.

prescribed punishment to the whole of the prisoners convicted, it shall be competent to the Court of Nizamut Adawlut, or to the *Courts of Circuit* if the trial be not referable, under the Regulations, to the Nizamut Adawlut, to mitigate the sentence, in such cases, as may be deemed just and expedient.

Rescinded by Sec. ii. Reg. XIV. 1810.

Further provision for the cases of any prisoners who may appear proper objects of mercy and pardon.

Sixth. The *Courts of Circuit* are also to report to the Nizamut Adawlut, [*and that court, if it appear necessary, will report to the Governor-General in Council*] the case of any prisoner or prisoners who may appear proper objects of mercy and pardon: or if the punishment to which they are sentenced shall not have been adjudged under any provisions of the Mahomedan law or the Regulations expressly requiring the same, the Court of Nizamut Adawlut, as already authorized, may remit the punishment, and order the discharge of the prisoner, [*without reporting the case for the orders of the Governor-General in Council*].

See Cl. 7, Sec. viii. Reg. XVII. 1817.

Preceding section not applicable to larceny without open violence, whether accompanied with burglary or simple theft from the person or house.

The Mahomedan law, with the modifications of it in the existing Regulations, and Sec. II. of this Regulation, to govern the sentences of the Criminal Courts in such cases.

V. *First.* No part of the preceding section shall be considered applicable to secret theft or larceny without open violence (surucai-sogra), whether accompanied with burglary (nuccub-zunce) or simple theft from the person or house, unaccompanied with any aggravating circumstance. In such cases, the Mahomedan law, with the modifications of it in the existing Regulations, and the rules contained in Section II. of this Regulation, when the prisoner may be declared liable to discretionary punishment, shall govern the sentences of the *Courts of Circuit*, as well as of the Nizamut Adawlut in any cases referred to that court.

Second. [Murder, wounding, &c. in prosecution of theft, how punishable.]—*Rescinded by Clause First, Section VIII. Regulation XVII.* 1817.

What trials shall be hereafter transmitted by the *Courts of Circuit* to the Nizamut Adawlut.

VI. *First.* The *Courts of Circuit* shall transmit to the Court of Nizamut Adawlut, as heretofore, all trials in which the prisoner or prisoners may be convicted and liable to a sentence of perpetual imprisonment or death; as well as in all cases wherein the judges of the *Courts of Circuit* may disapprove the futwah given by their law officers, and may not have been expressly authorized by this, or any other Regulation, to pass sentence, notwithstanding such futwah, either for the punishment of the prisoner, or for his acquittal and discharge, either with or without security.

In what trials referable to the Nizamut Adawlut, the judge of *circuit* is not to pass sentence.

Second. In trials referable to the Nizamut Adawlut, *if the judge of circuit disapprove the futwah given by his law officer, or* if the prisoner or prisoners convicted, or any of the prisoners convicted on the same trial, be liable to a sentence of death, the judge shall not pass any sentence (except for the acquittal and discharge of any prisoners not convicted), but shall transmit the trial, with his opinion thereupon, for the sentence of the Nizamut Adawlut.

In what trials referable to the Nizamut Adawlut the judge of *circuit* is to pass sentence.

If *the judge of circuit concur with his law officer in the conviction of the prisoner or prisoners, and* none of them be liable to a sentence of death, the judge shall pass sentence on the prisoner or prisoners so convicted, as directed in Section XLVII. Regulation IX. 1793, and the corresponding rule in Clause First, Section XV. Regulation VII. 1803. But such sentences, in all trials referable to the Nizamut Adawlut, shall not be deemed final, nor shall any warrant be issued for carrying the same into execution, until they be confirmed by the Court of Nizamut Adawlut.

Such sentences not to be deemed final, nor put in execution, till confirmed by the Nizamut Adawlut.

Sentences upon ac-

complices convicted with principals, whose trials may be referred to the Nizamut Adawlut, also subject to the confirmation or final sentence of the Nizamut Adawlut.

But this restriction not to prevent a final sentence of acquittal upon prisoners not convicted before the *Courts of Circuit*, or the release of such prisoners.

cipal in any crime may be referred for the sentence or confirmation of the Nizamut Adawlut, whether under the present or any other Regulation, and an accomplice in the same crime shall have been brought to trial and convicted at the same time with the principal, the *Courts of Circuit* shall not carry into execution their sentence upon the accomplice so convicted, but shall wait the confirmation or final sentence of the Nizamut Adawlut, as well respecting the accomplice as the principal. Provided, however, that this restriction be not understood to prevent the judges *of the Courts of Circuit* from passing a final sentence of acquittal upon any prisoners charged as accomplices, whom they may acquit of such charge in concurrence with their law officers; or from directing the release of any prisoners so acquitted, notwithstanding the reference of the trial of the principal to the Court of Nizamut Adawlut.

Rule to be observed by the judges *of circuit* in referring to the Nizamut Adawlut the trial of any prisoners whom they may consider proper objects of capital punishment, under Sec. iv. of this Regulation, or in any case whatever.

Third. Whenever the judges *of the Courts of Circuit* may refer to the Court of Nizamut Adawlut the trial of a prisoner or prisoners whom they may consider proper objects of capital punishment under Clause Second of Section IV. of this Regulation, [*or of imprisonment for life under Clause Third of that section*], or of a mitigation of punishment under Clause Fifth of that section, or of an extension, mitigation, or remission of punishment in any case whatever, they shall be careful to notice the same in their letters accompanying the trials referred; and shall state at large the grounds of their judgment, whether for or against the prisoner, with such of the facts and circumstances in evidence upon the trial as may be necessary to explain the case of the prisoner, whose punishment is proposed to be extended, mitigated, or remitted. Superseded by Act XXIV. 1843.

Futwah to be given by the law officers of the Nizamut Adawlut in all cases of discretionary punishment.

VII. *First.* In all trials transmitted by the *Courts of Circuit* to the Court of Nizamut Adawlut, in which the Mahomedan law officers of that court may consider the prisoner or prisoners liable to discretionary punishment, they shall declare the same generally, with a statement of the grounds on which the prisoner or prisoners may be adjudged by them subject to discretionary punishment, leaving the measure of punishment in such cases to be determined by the judges of the Nizamut Adawlut, under the provisions contained in this or any other existing Regulation.

Provisions for such cases in Clauses Second to Sixth of Sec. ii. of this Regulation, declared equally applicable to trials before the Nizamut Adawlut, as in the same cases before the *Courts of Circuit*; with mode of proceeding to be observed by the Nizamut Adawlut in such cases.

Second. The several provisions made by Clauses Second, Third, Fourth, Fifth and Sixth, of Section II. of this Regulation, for the guidance of the *Courts of Circuit*, in cases wherein their law officers may declare a prisoner or prisoners liable to discretionary punishment, and wherein a specific punishment may have been fixed and declared by the Regulations, or wherein the specific penalties of the Mahomedan law may be withheld, on the ground of the evidence against the prisoner not being such as the law requires for a sentence of hud or kissaas, though sufficient to convict the prisoner on strong presumptive proof, or wherein the sentence of hud or kissaas is barred against the prisoner, though fully convicted, by some special exception or distinction, not affecting the nature and criminality of the offence, and evidently repugnant to the principles of equal justice, shall be considered equally applicable to all cases of the same descriptions, wherein the law officers of the Nizamut Adawlut, in any trials before that court, may declare the prisoner or prisoners liable to discretionary punishment; and the judges of that court are to pass sentence accordingly, See Act XXIV. 1843.

after taking a second futwah from their law officers in cases which may require it.

Third. In trials referred to the Nizamut Adawlut, under Clause Seventh, Section II. of this Regulation, viz. when the crime of which the prisoner is convicted, and for which he is declared liable to discretionary punishment, shall not have been specifically provided for, *either* by the Regulations *or by any stated penalty in the Mahomedan law*, the judges of the Nizamut Adawlut, provided *the offence be punishable at discretion under the Mahomedan law*, and they shall be satisfied of the conviction of the prisoner, are authorized to pass such sentence upon the prisoner, not extending to capital punishment, as they may deem adequate to the crime of which he is convicted, and consonant to the general principles of justice, on due consideration of all the circumstances of the case. *The court shall, at the same time, propose to the Governor-General in Council a Regulation to fix and declare the specific punishment of any crime of magnitude which may be found not to have been specifically provided for, either by the Mahomedan law or by the Regulations, and which may appear to call for an express denunciation of the penalty to be incurred by committing the same.*

Authority of the Nizamut Adawlut to pass sentence, not extending to capital punishment, in trials referred under Clause Seventh, Sec. ii. of this Regulation, viz. when the crime may not have been specifically provided for by the Regulations, or *by the Mahomedan law, but is punishable at discretion under that law.*

The court, at the same time, to propose a Regulation to fix and declare the specific punishment of any crime of magnitude, if it appear requisite.

Fourth. The provisions contained in Sections III. IV. and *V.** of this Regulation, shall govern the sentences of the Court of Nizamut Adawlut in the cases therein specified, and the judges of that court are authorized to adjudge the stated punishment, whatever may be the futwah of their law officers; provided that it shall declare the prisoner or prisoners to have been convicted of the crimes incurring the stated penalties, either on free and voluntary confession, or on the testimony of credible witnesses, or on strong circumstantial evidence (sufficient to establish ghalib-zun, or violent presumption of guilt): and provided the judges of the Nizamut Adawlut shall see no cause to disapprove such conviction of the prisoner or prisoners, or to mitigate or remit the specified punishment.

The provisions in Secs. iii. iv and v of this Regulation, to govern the sentences of the Nizamut Adawlut in the cases therein specified.

Fifth. [Rule to expedite the decision of cases referred to the Nizamut Adawlut.]—*Rescinded by Section XV. Regulation XVII.* 1817.

VIII. *First.* So much of Section X. Regulation IV. 1797, as authorizes the transportation to some place beyond sea of convicts sentenced to be confined for a term of seven years, or for any limited term of years, and directs a reference from the *Courts of Circuit* to the Nizamut Adawlut, in all instances wherein they shall consider offenders convicted before them to be proper objects of transportation, is hereby rescinded.

Part of Sec. x. Reg. IV. 1797, rescinded.

Second. Transportation beyond sea shall be hereafter restricted to convicts who may be sentenced to confinement for life; and in all instances wherein a sentence of confinement for life may be passed against a prisoner, whether by the *Courts of Circuit* in the first instance, or finally by the Court of Nizamut Adawlut, the court passing such sentence, *if it deem the prisoner a proper object of transportation beyond sea*, shall at the same time adjudge him or her to be transported for life.

See Act XIV. 1844

Transportation beyond sea restricted to convicts sentenced to confinement for life; and to be adjudged against such convicts, *if deemed proper objects of transportation*, by the court passing sentence upon them.

Third. In the cases of convicts sentenced to confinement for life, whom the *Courts of Circuit* and Nizamut Adawlut may not consider proper objects of transportation beyond sea *under the preceding clause*, as well as in all cases of convicts sentenced to imprisonment for a limited period, the court

Modified by Act XIV. 1844.

Convicts sentenced to confinement for life, but not considered proper objects of transportation beyond sea, as well as all convicts sen-

* The enacting part of Section v. is rescinded.

tenced to imprisonment for a limited period, may be adjudged by the court, passing sentence upon them, to be banished during their sentences from the district in which their place of abode is situated, and kept to hard labour in any other district, as directed by the Nizamut Adawlut.

by whom the sentence is passed, if it deem the same proper on consideration of the prisoner's offence, may adjudge him to be banished, during the period of his sentence, from the district in which his place of abode is situated, and to be kept to hard labour on the public roads, or other public works, in any other district to which he may be removed by order of the Nizamut Adawlut.

Modified by Act XIV. 1844.

Reports to be made by the zillah and city magistrates to the Nizamut Adawlut, of convicts sentenced to transportation or to banishment, under the two preceding clauses.

Fourth. The magistrates of the several zillahs, at the close of the half-yearly gaol delivery of their respective districts, and the magistrates of the several cities, on the 1st January and 1st July of each year, or at any other period when the same may be required by the Nizamut Adawlut, shall transmit to that court a list of the convicts in their respective gaols who may have been sentenced to transportation beyond sea, or to banishment from the district in which the offenders may have resided under each of the two preceding clauses, specifying in such lists the names, ages, crimes, and sentences of the several convicts; and in the list of those sentenced to banishment, the district in which they may have usually resided before they were brought to trial.

Nizamut Adawlut how to proceed on receiving such reports.

Fifth. The Court of Nizamut Adawlut, after receiving the list required by the foregoing clause, will issue the necessary directions for conveying to the gaol of the Twenty-four Pergunnahs, the convicts sentenced to transportation beyond sea, when the state of that gaol may admit of their being received, or an opportunity may offer for transporting them; and will also give the requisite instructions concerning the removal of the convicts under a sentence of banishment. The Court of Nizamut Adawlut is further declared competent, *as heretofore, under the discretion allowed by the Mahomedan law,* to order the removal of all convicts under sentence of imprisonment to any gaol or district within the Company's possessions, in which it may be thought proper to keep or employ them, during the period of their respective sentences, although no specifice sentence of banishment may have been passed against them under Clause Third of this section. But no such removal shall take place without the special order of the Court of Nizamut Adawlut.

Further declared competent, as heretofore, to order the removal of convicts under sentence of imprisonment, to any gaol or district within the Company's possessions.

See Act VII. 1850.

Sec. v. Reg. II. 1799, and Sec. xxii. Reg. VIII. 1803, rescinded.

IX. *First.* Section V. Regulation II. 1799, and Section XXII. Regulation VIII. 1803, are hereby rescinded. Any convicts sentenced to imprisonment by the *Courts of Circuit,* or by the Court of Nizamut Adawlut, who during the period of their sentences may escape from gaol, or other place of confinement, or from the roads or any other place where they may be employed, and who may be re-apprehended, shall be brought to trial before the *Courts of Circuit* for such escape, as well as for any acts of violence or aggravating circumstances attending their escape, or for any violent acts done in an attempt to escape; and, on conviction, they shall be liable to such further punishment, in addition to their former sentences, as may be adjudged against them, on consideration of the circumstances of the case, under the provisions contained in this Regulation.

Convicts escaping from gaol, or otherwise, during their sentences, and reapprehended, to be brought to trial before the *Courts of Circuit* for such escape and for any acts of violence attending the same, or done in an attempt to escape.

How punishable on conviction.

Convicts under sentence of transportation for life, who may be transported after the promulgation of this Regulation, and shall escape and return without permission to any

Second. Any convict under sentence of transportation for life, who may be transported to any place beyond sea after the promulgation of this Regulation and shall escape from such place of transportation, and return without permission to Bengal, or to any part of the Company's territory under the presidency of Bengal, shall, on conviction thereof, to the satis-

faction of the Nizamut Adawlut, and if no circumstances appear to that court to render such convict an object of mercy, be adjudged to suffer death.

part of the Company's territory under the presidency of Bengal, declared liable, on conviction, to suffer death.

X. [Convicts under sentence but not yet transported, how may be dealt with.]—*Extinct—and see Act XIV.* 1844.

See Sec. ix. Reg. VIII. 1808, Reg. VIII. 1818, and Act V. 1848.

XI. *First.* In the cases of suspicion or bad character, referred to in Clause Sixth, Section II. of this Regulation, wherein the *Courts of Circuit* may direct the zillah or city magistrate to detain prisoners in custody until they give sufficient security for their future good behaviour and appearance when required, as well as in any similar cases wherein the like directions may be given by the Court of Nizamut Adawlut, if any prisoner shall have remained in confinement for a year or any longer period, under inability to give the security required, and the execution of a moochulka (penal engagement) by the prisoner for his future good conduct, without security, may, on consideration of the circumstances of the case and the prisoner's behaviour during his confinement, appear to the magistrate sufficient to provide for the object intended, he shall report the same to the *Court of Circuit* at the next ensuing gaol delivery for the zillah or city in which such prisoner may be detained in custody.

Provision for the cases of prisoners required by the *Courts of Circuit* or Nizamut Adawlut to give security for their future good behaviour and appearance and who may be unable to find such security, but from their behaviour whilst in confinement and other circumstances may appear to the magistrates proper objects of release without security, under a penal engagement for their future good conduct.

Report to be made by the magistrates to the *Courts of Circuit* in such cases.

Second. In all cases of such reports being made by the zillah or city magistrates to the *Courts of Circuit*, the judges *of the latter* are to call the prisoner before them, and to examine the proceedings held upon his trial, as far as may be necessary to ascertain the grounds on which the prisoner may have been required to find security; after which, and duly considering the circumstances stated in the magistrate's report, if they shall concur with the latter in opinion that the prisoner ought to be released on his moochulka without security, they are to direct the same accordingly.

Courts of Circuit how to proceed on receiving such reports.

Third. In the exercise of this discretion, the magistrates and *Courts of Circuit* will, of course, give due consideration to the nature of the crime of which the prisoner may have been convicted or suspected, his general character as far as ascertainable, and the consequent risk to be apprehended from his being released without security for his future good conduct.

Consideration to be attended to by the magistrates and *Courts of Circuit* in the exercise of the discretion vested in them by this section.

A.D. 1803. REGULATION LIV.

Reg. LIV. 1803.

A REGULATION *for postponing the Operation of Section XX. Regulation XXXV.* 1793, *within the Zillah of Chittagong:* PASSED *by the Governor-General in Council, on the* 24*th of November*, 1803.

[Extinct.]

Reg. I. 1804.

A.D. 1804. REGULATION I.*

A REGULATION *for the better Management of the Invalid Jagheerdar Establishments, and of the Invalid Pension Establishments:* PASSED *by the Governor-General, on the 23rd of February,* 1804.

I. WHEREAS it has been deemed to be expedient to revise the existing rules for the management of the invalid jagheerdar establishments, and also of the invalid pension establishments, his Excellency the Governor-General in Council has been pleased to pass the following rules.

Reg. XLIII. 1793, and Reg. LVI. 1795, rescinded.
Exceptions.

II. Regulation XLIII. 1793, and Regulation LVI. 1795, with the exceptions hereafter mentioned, are hereby declared to be rescinded, and the following rules are enacted, to take effect from the present date.

To what zillahs the establishment of invalid villages, and the appropriation of lands for their support, are to be confined.
No tannah shall be established without the previous sanction of Government.

III. *The establishment of villages for invalids, and the appropriation of lands for their support, shall be henceforth confined to the zillahs of Behar, Shahabad, Sarun, Tirhoot, Boglepore, and Chittagong; and no tannah shall be hereafter established without the previous sanction of the Governor-General in Council, to be obtained through the Board of Revenue.*

Board of Revenue vested with the general superintendence of invalid and pension establishments.

IV. The general superintendence of the invalid jagheer and pension establishments is hereby vested in the Board of Revenue.

Immediate superintendence committed to officers denominated regulating officers.
Districts where they are to be stationed.

V. The immediate superintendence of the invalid jagheer establishments shall be entrusted to officers who shall be denominated regulating officers. One officer shall be appointed to superintend the jagheer tannahs in the zillahs of Boglepore and Tirhoot; one officer shall be appointed to superintend the tannahs in the zillah of Behar; one officer shall be appointed to superintend the tannahs in the zillahs of Shahabad and Sircar Sarun; and one officer shall be appointed to superintend the tannahs in the zillah of Chittagong.

Regulating officers to be subject to the orders of the collectors and the Board of Revenue.
All matters to be submitted to Government through the collectors and the Board of Revenue.

VI. The regulating officer in each district shall be subject to, and shall act under the orders of the collector and of the Board of Revenue; and all matters relative to the duties of the said officers which it shall be proper to submit for the information or orders of the Governor-General in Council, shall be communicated by the collector of the zillah to the Board of Revenue, who shall submit the same to the Governor-General in Council.

* This Regulation has ceased to have effect for the establishment of invalid tenures since the enactment of Reg. II. 1811, the second section of which rescinds all such parts of this Regulation as declare that invalid soldiers, not fit for garrison duty, shall be allowed the option of being transferred to the jagheerdar establishment.—Its provisions still continue operative so far as they apply to tannahs established previously to Regulation II. 1811.

VII. *The following are the proportions of lands which shall be granted to the several descriptions of invalids:—*

Proportion of lands to be granted to invalids.

A subadar of infantry and cavalry	100 *begahs.*
A jemadar of infantry and cavalry, and sarang	50
Havildar of infantry and cavalry and tindal...	30
Naik and cossob	25

VIII. [Collector to select the lands.]—*Rescinded by Section II. Regulation II.* 1811.

IX. *First. When a collector shall have received information of a spot of waste land calculated for the purpose of establishing a tannah, or for the accommodation of an invalid in one of the tannahs already established, he shall make a proposal, in writing, to the proprietor of the land to take a lease of it in portions or entire, according as it may be wanted for one or more invalids, on the part and in the names of the invalids respectively, and on the terms specified in the following articles.*

Collector to make proposals in writing to the proprietors of lands selected for the invalids, containing the following stipulation.

Second. Art. 1*st.* The land shall continue the property of the zemindar or other proprietor, and shall not be separated from his estate.

Land to continue the property of the proprietor, and not to be separated from his estate.

Third. 2*nd.* The pottah or deed of lease shall include the julker, bunker, and phulker, or all trees and the produce of them, fisheries and pasture land.

Pottah to include the julker, bunker, and phulker.

Fourth. 3*rd.* The invalids shall hold the land free of rent, or any demand whatever, during their lives; and after their decease the land shall devolve to their heirs.

Land to be held rent-free by the invalids during their lives, and to devolve to their heirs.

Fifth. 4*th.* The heirs of invalids, for the first five years after they shall come into the possession of land, shall pay to the zemindar a sum equal to one-tenth of the produce of the land as malikanah.

Heirs of invalids, for the first five years after coming into possession, shall pay malikanah to the zemindar.

See Sec. II. Reg. XI. 1808.

Sixth. 5*th.* After the expiration of the period of five years, the payment of malikanah shall cease, and the proprietor of the land shall be entitled to rent in the proportion of two-fifths of the annual produce, whether it be in kind or in money, as may be agreed on between the parties concerned in the adjustment. This rent shall not be liable to any variation, and shall be paid to the zemindar or other proprietor.

The malikanah to cease after five years, and the land to be assessed in the proportion of two-fifths of the annual produce.

Seventh. 6*th.* If the original grantee shall die within seven years from the date of his being put in possession of his lands, his heir shall continue to hold them rent-free until the expiration of such period of seven years, from which time the lands shall become subject to the rules contained in the two preceding articles, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding seven years.

Terms upon which heirs of invalids who die within seven years are to hold the lands.

Eighth. 7*th.* If an invalid shall die without heirs, it shall be left to the option of a fresh man coming upon the establishment to supply his place in the tannah, upon such fresh man agreeing to take the lands upon the terms to which he would have succeeded to them had he been the heir of the deceased. If no fresh man will agree to take the lands upon these terms, the lands shall revert to the zemindar or other proprietor, who shall be entitled to dispose of them in such manner as he may think proper.

How lands of invalids dying without heirs are to be disposed of.

Ninth. 8*th.* If an invalid shall die, and leave heirs who are not willing to receive the lands upon the foregoing terms, or are incapable of culti-

In what cases, and to whom, the heirs of invalids are to be at

liberty to dispose of their lands.

vating them, the heirs shall be allowed to dispose of their rights to any of the invalids belonging to the tannah, the purchaser becoming subject to all the conditions in the articles regarding such heirs.

Heirs of invalids liable to forfeit their lands if they neglect to cultivate them for one year. Such lands to be transferred to some other invalid, or to revert to the proprietor.

Tenth. 9th. If an heir to a jagheer shall, without reasonable cause, leave the land uncultivated for one year after he may claim it and shall have been ordered to be put into possession, the land shall be deemed forfeited, and shall be transferred to any other invalid, or heir or successor of an invalid, who will take it upon the same terms as he would have been entitled to hold it had he been the heir of the deceased. In the event of no invalid agreeing to take the jagheer upon the above terms, the jagheer shall revert to the zemindar or other proprietor, as in the cases provided for in the Seventh Article.

Rules regarding arable lands not brought into cultivation by the time they become liable to assessment

Eleventh. 10th. Upon the arrival of the period for assessing lands which shall have devolved to the heirs or successors of invalids, such parts of the lands as might have been cultivated and are not brought into cultivation shall be resumed; and the zemindar or other proprietor shall be at liberty to grant pottahs for them to whomsoever he shall think proper, unless the person who shall have omitted to cultivate them shall enter into an engagement to bring them into cultivation in the course of one year, calculating from the commencement of the year in which they became liable to the final assessment, and in all future years to pay for them as cultivated lands.

Malikanah and rent, how to be collected.

Twelfth. 11th. The malikanah and rent to which the lands are declared liable in the Fourth and Fifth Articles, shall be recovered from the incumbent in the same manner as from his other renters and ryots. No increase of revenue shall be levied from the zemindar or other proprietor, on account of the rent or malikanah which shall become payable to him from the lands of the invalids.

No increase of revenue to be levied on account thereof.

Pottah to be obtained from the proprietor for invalids, &c. on being put in possession of their lands, or on such lands becoming liable to assessment.

Thirteenth. 12th. Whenever an invalid, or his heir or successor, shall be put in possession of a jagheer previous to its being charged with the permanent assessment, the regulating officer shall obtain from the proprietor, through the collector, a separate pottah for such person, which shall express the terms on which he is to hold the land, as specified in the preceding articles. When a jagheer shall become liable to the permanent assessment, the regulating officer shall obtain from the zemindar or other proprietor, through the collector, a pottah in the name of the possessor, specifying the rate of the rent or assessment, the quantity of land, the boundaries of it, and the terms of the tenure as above defined.

Proprietor to station an agent at each tannah, to keep accounts of the rent and malikanah, and to take care of his interests.

Fourteenth. 13th. The zemindars or other proprietors shall be allowed to station a mutsuddie in the tannahs, to take copies of the accounts of the rent and malikanah which may become due to them, and to inform them of every infringement of the terms under which the lands in the tannahs are held, as specified in the agreement between them and the zemindar or proprietor.

The authority of the regulating officer to be withdrawn when all the lands in a tannah shall become liable to a permanent assessment, and the tannah to be considered upon the same footing as other villages in the zemindary.

Fifteenth. 14th. Whenever all the lands included within the limits of a tannah shall have become liable to the permanent rent or assessment specified in the Fifth Article, Government shall withdraw the authority of the regulating officer, and the tannah shall be considered to be upon the same footing as other villages in the zemindary or estate, the heirs and successors of the original grantees continuing to hold their lands upon the terms specified in their pottahs.

Heirs and successors of original grantees to hold the land according to their pottahs

Sixteenth. 15*th.* After the officers of Government shall have been withdrawn from a tannah in the case specified in the Fifteenth Article, if an invalid, or his heirs or successors, shall die without heirs and intestate, the jagheer, or such parts of it as may have been held by the deceased, shall devolve to the zemindar or proprietor, who shall be at liberty to grant a pottah for it, or to dispose of it to such person, and upon such terms, as he may think proper.

In what case the jagheer is to devolve to the zemindar, who shall be at liberty to dispose of it as he may think proper.

Seventeenth. 16*th.* Any other stipulations which shall be made between the invalids and the zemindar, or other proprietor of land, shall be binding on the parties. All differences between the zemindar or other proprietor and the invalids, or their heirs or successors, respecting the nature of the invalid tenures, shall be decided in the Dewanny Adawlut of the zillah.

See Secs. xiv. and xx. Reg. VII. 1822.

Any other stipulations made between invalids and zemindars shall be binding on the parties.

All differences respecting the nature of the tenures to be decided in the Dewanny Adawlut.

X. If the estate, or any part of the estate of a zemindar or other proprietor, in which lands leased to invalids under this Regulation shall be situated, shall be disposed of at public sale, or be transferred, or devolve in any manner to any other person, neither the lease, nor the terms of the tenures of the invalids, or their heirs or successors, shall be in any respect affected; but the new proprietor shall be bound by the terms of the deeds, in the same manner as the proprietor who granted them would have been had he retained the property, notwithstanding anything that may be expressed to the contrary in Regulation XLIV. 1793, or any other Regulation passed on the 1st May, 1793, or on any subsequent date.

Persons succeeding to an estate, or a part of it, in which any lands may have been leased to Government under this Regulation, to abide by the terms of the lease.

XI. Whenever invalids shall be established upon lands the property of Government, they shall hold the lands of Government upon the same terms as invalids settled upon lands belonging to zemindars, or other proprietors of land paying revenue to Government, or upon such other terms as the Governor-General in Council shall judge it proper to prescribe, previous to establishing the invalids upon the lands.

Invalids to hold lands the property of Government upon the same terms as those of individuals.

XII. Widows being heiresses to the jagheers of their husbands, shall be allowed to marry whom they please without forfeiture of their jagheers, which, after their death, shall devolve to their heirs-at-law.

Widows being heiresses may remarry without forfeiting the jagheers, which are to devolve to their heirs-at-law

XIII. It shall be the duty of the regulating officer to settle, as far as he may be able by his advice and admonitions, all internal affrays, differences, and claims which may arise between the invalids themselves and between them and other inhabitants of the district, in such manner as shall be deemed equitable; leaving the parties, if his endeavours prove ineffectual, to have recourse to the established courts of justice. Provided, however, that the rule contained in this section shall not be construed to empower the regulating officer to exercise any authority whatever without the limits of the tannahs under his charge.

Regulating officer to settle, as far as possible by his advice, all internal affrays, differences, and claims

XIV. To prevent invalid jagheerdars from being harassed with lawsuits, and to enable them to defend or prosecute suits in the Courts of Civil Judicature without being obliged to attend in person or being subjected to trouble and expense, it shall be the duty of the vakeel of Govern-

Vakeels of Government to plead the causes of invalids free of cost on the requisition of the collectors.

ment, on the requisition of the collector, to plead the causes of such invalids free of cost.

Process of civil and Criminal Courts to be current in the invalid tannahs.

Invalids and all inhabitants of the tannahs to pay obedience thereto, under pain of fine or other punishment.

See Cl 5 Sch xxii Reg XX 1817

XV. The process of the Civil and Criminal Courts of Judicature and of the police officers shall be current in the invalid tannahs, in the same manner as in other parts of the country; and the invalids and all inhabitants of the tannahs shall observe a strict obedience thereto, under pain of paying such fine or suffering such punishment as the courts are empowered, by any Regulation passed and printed in the manner directed in Regulation XLI. 1793, to impose or inflict on persons disobeying or resisting their process.

Jagheers not to be assigned as security for money borrowed by invalids, nor be answerable for debts contracted by them Jagheers devolving to heirs of invalids to be answerable for debts contracted by such heirs.

XVI. Jagheers, whilst possessed by invalids, shall not be assigned as security for money borrowed by them, nor be answerable after their decease for debts contracted by them. But when jagheers shall devolve to the heirs or successors of invalids, such jagheers shall be answerable for debts contracted by such heirs and successors.

Distribution of lands to be made by the regulating officers under the orders of the collector.

Courts of Judicature not to interfere nor receive complaints regarding such distribution

XVII. The distribution of the lands in tannahs shall be made by the regulating officers under the orders of the collector, agreeably to the instructions with which they shall be furnished; and the Courts of Judicature shall not interfere in any manner, or receive any complaints or representations whatever regarding such distribution.

Invalids to be present at the period of inspection, under pain of being struck off the establishment.

Courts of Judicature not to receive any complaints from invalids so struck off on that account.

XVIII. The invalids shall be present at their respective tannahs at the periods of inspection, in failure of which they shall be struck off the establishment; excepting in cases in which the invalids shall be absent with permission, or from sickness or other unavoidable cause, which shall appear satisfactory to the regulating officer and to the collector. The Courts of Judicature shall not receive any complaints or representations which shall be presented to them by any invalid for having been struck off the establishment under this section.

Rules in Sec. ix. to be considered immediately applicable to lands which shall be henceforward granted to invalids.

The collectors to new model the tannahs already established.

To extend this rule to the heirs and successors of invalids.

XIX. The rules contained in Section IX. shall be considered to be immediately applicable to such lands as shall henceforward be granted to invalids. With a view, however, to ascertain and fix the tenure of the occupants and to protect the rights of the proprietors, and to establish, as nearly as may be practicable, a uniformity of system throughout the invalid tannahs, the collectors shall endeavour to conclude agreements with the zemindars, rendering all lands now held by invalids (excepting the lands granted to invalids under the Regulations of the 18th February, 1789) subject to the conditions specified in Section IX. of this Regulation. It shall likewise be the duty of the collectors to new model the tannahs as far as relates to the proportions of land, and to fix for each invalid now on the establishment the quota of land assigned for his rank by Section VII. The collectors shall also extend this rule to the heirs and successors of invalids who have come into possession of jagheers, resuming, both from invalids and from the heirs and successors of invalids, whatever quantity of land shall appear to have been granted to them exceeding that proportion; excepting where the occupants have brought into cultivation a larger quantity of land than is now fixed for their respective ranks, or

for the ranks of their ancestors and predecessors; in which cases the occupants shall not be deprived of any part of the land which is in actual cultivation, but shall continue to possess the whole under the conditions above prescribed. Provided, however, that nothing contained in this section shall be construed to annul or set aside any of the rights of the jagheerdars, or of the proprietors of the land, under any existing engagements, or under the rules contained in *Regulation XLIII.* 1793, *and Regulation LVI.* 1795, until the arrangements prescribed in this section shall, with the consent of the zemindars concerned, have been carried into complete effect.

Nothing contained in this section shall be construed to annul or set aside any of the rights of the jagheerdars or of the proprietors of land, under any existing engagements or rules in *Reg. XLIII.* 1793, *and Reg. LVI.* 1795.

XX. [Lands required for tannahs to be cleared by collector; expense, how to be paid.]—*Rescinded by Section II. Regulation II.* 1811.

XXI. *First.* The land required for the residence of an invalid, and comprehended within the boundary of his house, garden, and offices, shall be included under a distinct head in the pottah for his jagheer, and the rate which he is to pay for this portion of land shall be fixed by the collector at two-thirds of the usual rates of the district for such land.

Particulars which are to be specified in the pottahs for invalid jagheers.

Second. Any land which shall be required in each village for roads, wells, or other public purposes, shall be purchased by Government, and shall be bestowed on the tannah gratis; the amount of the purchase-money shall be inserted in the contingent bill of the collector.

Lands required for roads, &c. to be purchased by Government and bestowed on the tannah gratis.

XXII. [Option of taking lands or a pension; rates of pensions.]—*Rescinded by Section II. and see Section III. Regulation II.* 1811.

See Sec. iv. Reg. II. 1811.

XXIII. Every native commissioned, non-commissioned, and private invalid, not admitted on the jagheerdar establishment, but admitted on the pension establishment, shall, on being allowed to retire on reduced pay, receive a descriptive roll addressed to the collector of the district, specifying the name, age, and height of the invalid, the place at which he was born as well as that at which he may choose to reside, the period of his services and in what regiment or regiments he may have served, his wounds if he shall have received any, and any corporal peculiarities or marks tending to identify his person. Copies of these rolls shall be regularly forwarded to the military auditor-general.

Native commissioned, non-commissioned, and private invalids not admitted on the jagheerdar establishment, but admitted on the pension establishment, to be furnished with a descriptive roll addressed to the collector.

See Act VI. 1849.

XXIV. The half-yearly or annual presentation of this roll to the collector of the district to whom it is addressed, shall entitle the invalid pensioner to receive the reduced pay of his rank; and on the receipt of the roll after his death, the collector shall pay to his heirs, or other person properly empowered to receive the amount of the arrears which may have been due at the time of his decease.

The presentation of such roll to the collector shall entitle the invalid pensioner, or his heirs, to his reduced pay to the time of his death.

XXV. At every half-yearly or annual payment, the invalid pensioner shall give a receipt for the amount of pay then due to him, which shall be transferred by the collector to the military auditor-general for audit, by whom it shall be returned to the collector, and received as a voucher by the accountant-general, to be charged in the military department.* After the decease of an invalid pensioner, the collector shall transmit his descrip-

The invalid pensioner to execute a receipt for each payment, which the collector is to transfer to the military auditor-general for audit.

On the death of the pensioner, the collector

to transmit his descriptive roll to the same officer, noticing the amount paid to the heirs of the deceased.

tive roll to the military auditor-general, having first noticed upon it the amount of arrears paid to the heirs of the deceased.

Pensioner to be struck off the list when the voucher is not produced within twelve months, and not again admitted without the orders of Government.

XXVI. Whenever a voucher of a pensioner's existence shall not be furnished within twelve months from the date of his last receipt of pay, he shall be struck off the roll of the collector, and shall not be again admitted without the orders of Government.

Sec. xxxiii. Reg. XLIII. 1793, to continue in force.

XXVII. Section XXXIII. Regulation XLIII. 1793, is hereby declared to remain in force.

Reg. II. 1804.

A.D. 1804. REGULATION II.

A REGULATION *for altering the Periods of the Half-Yearly Gaol Deliveries in the Divisions of Calcutta, Moorshedabad, Patna, and Benares; and for providing a Quarterly Gaol Delivery in the Zillahs of the Twenty-Four Pergunnahs, Dacca, Jelalpore, and Moorshedabad:* PASSED *by the Governor-General in Council on the 23rd of February,* 1804.

[Superseded by the abolition of Courts of Circuit.]

Reg. III. 1804.

A.D. 1804. REGULATION III.

A REGULATION *for providing against Resistance to the Processes of the Zillah Criminal Courts and Police Officers, as well as for compelling the Appearance of Persons charged with Acts of a criminal Nature, who may abscond, or otherwise evade the Process issued against them: for rendering Prosecutions instituted for the Recovery of Losses sustained by Theft and Robbery, cognizable in the Courts of Civil Judicature; and for ascertaing the Responsibility, in such Cases, of Tehseeldars of Places held Khaum: for amending certain Parts of Regulation VI.* 1803: *for preventing the Offence of Dhurna: and for preventing the Tribe of Raujekoomars killing or causing the Death of their Female Children; in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:* PASSED *by the Governor-General in Council, on the 8th March,* 1804.

I. THE rules laid down in Regulation III. 1803, for punishment of resistance to the processes of the zillah Civil Courts, not having been extended to the Criminal Courts, nor any rule prescribed for compelling

the appearance of persons charged with acts of a criminal nature, who may abscond or otherwise evade the processes issued against them, experience has shown the necessity of a provision for these cases, both to maintain the just authority of the magistrates and police-officers, and to prevent any evasion of their processes by flight, concealment, or otherwise. Prosecutions instituted under Regulation XXXV. 1803, against tehseeldars and landholders whose estates are huzzoory tehseel, to recover losses by theft or robbery, and by tehseeldars and huzzoory tehseel landholders against the landholders and farmers for indemnification, having been held to be cognizable in the magistrate's court, it has been judged expedient that such prosecutions should in future be filed and decided in the Courts of civil jurisdiction. It has also been deemed necessary to obviate any doubt whether tehseeldars of places held khaum are to be held answerable for losses by robbery and theft, and to amend certain parts of Regulation VI. 1803. It has further been judged expedient to adopt measures for preventing the illegal practice of sitting dhurna; and for putting a stop to the inhuman custom, hitherto prevalent among the tribe of Raujekoomars in some parts of the ceded provinces, of causing their female infants to be starved to death. The Governor-General in Council has therefore enacted the following rules, to be considered in force from the period of their promulgation.

II. *First.* [*Same as Clause First, Section II. Regulation XI.* 1796, *substituting* " in the Persian and Hindoostanee languages " *for the passage in parenthesis.*]

Second. [*Same as Clause Second, Section II. Regulation XI.* 1796, *inserting in the fourth line after* " resistance was made," " and the case shall not come under the rule provided in Clause Fifth of this section."]

Third. [*Same as Clause Third, Section II. Regulation XI.* 1796, *inserting in the third line, after* " resistance may have been made," " and the case shall not come under the rule provided in Clause Fifth of this section."]

Fourth. [*Same as Clause Fourth, Section II. Regulation XI.* 1796.]

Fifth. [*Same as Section V. Regulation IX.* 1801, *substituting* " Regulation VI. 1803," *for* " Regulation IX. 1793."]

Sixth. [*Same as Clause Fifth, Section II. Regulation XI.* 1796, *inserting after* " Regulation," *in line two,* " (with an exception to the judgments passed under the preceding clause)."]

III. [*Same as Section III. Regulation XI.* 1796.]

IV. *First.* [*Same as Clause First, Section IV. Regulation XII.* 1796, *substituting* " (in the Persian and Hindoostanee languages) " *for the passage in parenthesis.*]

Second and Third. [*Same as Clauses Second and Third, Section IV. Regulation XI.* 1796.]

Fourth and Fifth. [*Same as Sections IV. and V. Regulation XI.* 1796.]

V. [Resistance to process of magistrates or police officers.]—*Framed*

upon Section IV. Regulation IX. 1801;—*rescinded by Section II. Regulation IX.* 1829.

VI. [Responsibility of tehseeldars as officers of police.]—*Rescinded by Section III. Regulation XIV.* 1807.]

Setting fire to any house, village, or town, declared to be not a bailable offence.

VII. In addition to the cases specified in Section VII. Regulation VI. 1803, it is hereby declared, that the offence of setting fire to any house, village, or town, is not bailable.

VIII. [Rewards in cases of dacoity.]—*Rescinded by Section III. Regulation XVI.* 1816.

IX. X. [Proceedings of charges of sitting dhurna.]—*Rescinded by Section II. Regulation VII.* 1820.

How Raujekoomars are to be tried and punished for leaving or causing their female infants to perish for want of nourishment. [*XXI* 1795, xiii.]

XI. Immediately on the receipt of this Regulation, the several magistrates shall issue a proclamation throughout their respective jurisdictions, prohibiting the inhuman practice, hitherto prevalent among the tribe of Raujekoomars, of causing their female infants to be starved to death; and declaring, that if any Raujekoomar, after the publication of the proclamation, shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment or in any other manner, such Raujekoomar will be liable to be tried in the manner directed by Regulations VII. and VIII. 1803, with respect to other cases of murder. It is now accordingly ordained, that from the publication of the proclamation above directed, if any Raujekoomar shall designedly prove the cause of the death of his female child, by prohibiting its receiving nourishment or in any other manner, the magistrate, on receiving information thereof upon *oath*, or such other information or proof as he shall deem sufficient to render the charge highly probable, shall cause such Raujekoomar to be apprehended in the manner prescribed, and make the inquiry ordered in Section V. Regulation VI. 1803; when, if it shall appear to the magistrate that the crime has been actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the magistrate shall cause him to be committed to prison to be tried before the *Court of Circuit*, and shall at the same time take all the other precautions required in the section and Regulation above quoted, relative to securing the attendance of the original complainant or informant and of the witnesses; and the prisoner shall be tried accordingly, in the manner directed in Regulations VII. and VIII. 1803, with respect to other cases of murder.

A.D. 1804. REGULATION IV.

Reg. IV. 1804.

A REGULATION *for the Administration of Justice in criminal Cases in the Zillah of Cuttack:* PASSED *by the Governor-General in Council, on the 3rd May,* 1804.

I. WHEREAS the province of Cuttack, including Balasore and the other dependencies of the said province, hath been ceded to the Honourable the English East-India Company in full sovereignty by Maharajah Raghoojee Bhoonsla; and whereas it is necessary, for the security of the persons of the inhabitants, to provide for the administration of justice in criminal cases in the said province; and whereas it hath been the ancient usage of the said province to administer justice in such cases according to the Mahomedan law; and whereas it hath been deemed advisable to continue the said law, with such modifications of it as have been adopted for the administration of justice in criminal cases in the provinces of Bengal and Behar, and in the part of the province of Orissa heretofore subject to the dominion of the British Government, the Governor-General in Council hath been pleased to enact the following rules, which shall be in force from the date of their promulgation.

II. and III. [Division into two zillahs subordinate to the Calcutta circuit.]—*Superseded.*

A magistrate to be appointed to *each division of* the zillah of Cuttack, with the same powers as are vested in the magistrates in the other provinces.

IV. A magistrate shall be appointed in *each of the divisions of* the zillah of Cuttack, who shall exercise the powers vested in the magistrates of the zillahs in the provinces of Bengal and Behar, and the part of the province of Orissa heretofore subject to the dominion of the British Government, under the Regulations passed agreeably to the rules prescribed in Regulation XLI. 1793.

Regulations enacted in future for the administration of criminal justice within Bengal, Behar, and Orissa, shall be considered to extend to Cuttack unless specially excepted.

V. The Regulations *which shall be hereafter enacted in the manner prescribed in Regulation XLI.* 1793, for the administration of justice in criminal cases, and for the guidance of the magistrates, in the provinces of Bengal and Behar, and in the part of the province of Orissa heretofore subject to the dominion of the British Government, shall be considered to extend to the zillah of Cuttack, unless it shall be otherwise specially directed in any Regulation so enacted.

Magistrates to have charge of the police *under the superintendence of the commissioners, who are also to exercise the powers of magistrates.*

Magistrates, with the sanction of the commissioners, to station darogahs; and all existing or future Regu-

See Reg. XX. 1817.

VI. The magistrates shall have the charge of the police of the country *under the superintendence of the commissioners appointed to superintend the administration of the affairs of the zillah, who are likewise hereby authorized, jointly and severally, to exercise the powers of magistrates throughout the limits of the zillah.* The magistrates, with the sanction of the commissioners, shall station darogahs of police in those parts of the country in which the aid of such officers shall be necessary for the maintenance of the peace of the country; and all the Regulations now in force, or which shall

lations regarding the police within Bengal, Behar, and Orissa, considered to extend to Cuttack, unless specially excepted.

be hereafter enacted, regarding the police in the provinces of Bengal and Behar, and in that part of the province of Orissa heretofore under the dominion of the British Government, shall be considered to extend to the province of Cuttack, unless it shall be otherwise specially directed by any Regulation *printed and published in the manner prescribed by Regulation XLI.* 1793. Provided, however, that this Regulation shall not be construed to exonerate the zemindars, farmers, or other holders of lands in the zillah of Cuttack, from the duties and responsibility imposed on them by the terms of their respective tenures or engagements and the usages of the country, for the prevention of robberies and other disorders, and for the maintenance of peace and good order within their respective limits. Such zemindars, farmers, and other holders of land, shall continue to perform such duties, subject to the same responsibility as heretofore, notwithstanding anything that may be said to the contrary in any Regulation enacted previously to the date of this Regulation.

This Regulation not to exonerate the zemindars, &c. in Cuttack from the duties and responsibility imposed on them by the terms of their tenures and the usages of the country.

Magistrates and *Court of Circuit* not to take cognizance of crimes committed previously to 14th October, 1803.

What sentences may be passed on persons convicted of crimes committed between that period and the date of this Regulation.

Court of Circuit empowered to order such sentences to be carried into execution in certain cases.

Court of Circuit to report to the Nizamut Adawlut in cases where such sentences extend to life or limb, or to imprisonment for a term exceeding seven years.

VII.* This Regulation shall not be construed to empower the magistrates or the *Court of Circuit* to take cognizance of any crimes or offences committed previously to the 14th of October, 1803, the date on which the fort and town of Cuttack surrendered to the British arms, nor to empower the *Court of Circuit*, or the Nizamut Adawlut, to pass any sentence on persons convicted of crimes or offences committed between the aforesaid date and the date of the promulgation of this Regulation, excepting the sentence to which such persons would have been subject under the Mahomedan law, as it prevailed within the limits of the said zillah during the aforesaid period. Provided, however, that in cases in which the said sentence shall not extend to life or limb, or to imprisonment for a term not exceeding *seven* years, the *Court of Circuit*, in the event of the charge being proved to its satisfaction, shall be at liberty to direct the said sentence to be carried into execution, or to mitigate the punishment to such extent as it shall deem proper on a consideration of the circumstances of the case; and provided also, that in cases in which the said sentence shall extend to life or limb, or to imprisonment for a term exceeding *seven* years, the proceedings of the *Court of Circuit* in such cases, with the opinion of the court on their merits, shall be transmitted to the Nizamut Adawlut, which court, if the charge shall have been proved against the prisoners to its satisfaction, shall, in cases in which the sentence shall adjudge the prisoner to suffer the punishment of mutilation, commute such punishment for imprisonment, or for imprisonment and hard labour for a term of years; and in cases in which the sentence shall adjudge the prisoner to suffer the punishment of death, or of imprisonment for a term exceeding seven years, the court shall direct such punishment to be carried into execution, or commute or mitigate the same, or recommend the prisoner to the Governor-General in Council for mercy, according as shall appear to the court to be proper on a consideration of the circumstances of the case.

* The provisions of this Section are subject to the modifications since introduced in respect of the powers of the session judges to punish, and of the administration of the Mahomedan law.

A.D. 1804. REGULATION V.*

Reg. V. 1804.

A REGULATION *to provide for the Appointment and Removal of the Native Officers of Government in the Judicial, Revenue, and Commercial Departments, and in the Departments of Salt, Opium, and Customs; also to make further Provision for administering the Oath prescribed by the Statute 33rd Geo. III. Cap.* 52: PASSED *by the Governor-General in Council, on the 16th of August,* 1804.

I. FOR the purpose of insuring a faithful, diligent, and able discharge of the important duties assigned to the native officers who are employed on the part of Government, in the several public offices of the judicial, revenue, and commercial departments, and in the departments of salt, opium, and customs, it is essential that those officers (with an exception of the naib nazirs, mirdahs, peons, and burkundazes, and similar descriptions of public servants who are nominated and removed upon sufficient cause by their immediate superiors, under the responsibility of the latter for their good conduct) should be secured in the possession of their respective offices, whilst they discharge the duties assigned to them with diligence, ability, and integrity, that the persons appointed to fill all vacancies in such offices should be selected with due regard to their characters and qualifications, and that they should not be liable to removal from their appointments without proof of their incapacity or misconduct. These objects have been in part provided for by the rules in force concerning the appointment and removal of the law officers of the courts of justice, the cauzy-ul-cozaat and cauzies of the towns, cities, and pergunnahs, and the native officers appointed to keep the records of the Courts of Judi-

* By Section iii. Reg. VIII. 1809, and Reg. XI. 1826, the appointment and removal of law officers of the Sudder Court rests with the Governor-General in Council. The several boards and courts appoint and remove their ministerial officers.

The appointment of law officers to the Courts of Appeal and Circuit was abolished by Sec. vii. Reg. III. 1829, and the courts themselves have since ceased to exist.

The appointment of the law officers of the Zillah Courts is vested in the Governor-General in Council by Sec. iv. Reg. XI. 1826. Their removal rests with the Sudder Court under the provisions of Reg. VIII. 1809.

The appointment of darogahs and inferior officers of police is vested in the magistrates, subject to the approval of the superintendent of police, by Sec. iv. Reg. XXIV. 1837.

The appointment and removal of jailers and subordinate officers of jails was vested in the magistrates by Sec. vii. Reg. XVII. 1816, subject to the control of the superintendent of police, according to Sec. iv. Act XXIV. 1837; but Act XVIII. 1844, vests the whole *control and superintendence* of jails, including the "establishments thereunto belonging," exclusively in the magistrates, subject to the orders of the Government. This does not *specifically* include their *appointment*.

The appointment and removal of cauzies of towns &c. vest in the Sudder Court, under Sec. iv. Reg. VIII. 1809.

It is provided by Sec. iv. Reg. VIII. 1825, that one of the qualifications on which judicial officers shall report in recommending native officers for approval by the Superior Courts, shall be their freedom from engagement in trusts or private concerns with their superiors.

By Sec. xii. Act XXV. 1837, principal sudder ameens, sudder ameens, and moonsiffs, are empowered to appoint their own ministerial officers, subject to the general control of the Zillah Courts and Sudder Dewanny Adawlut.

cature, civil and criminal, as well as the keepers of the revenue records in the several collectorships, the whole of whom are appointed by the Governor-General in Council, and are not removable without sufficient cause established to his satisfaction. The principal native officers employed in the police are also, under the existing Regulations, not liable to be removed from their stations without proof of incapacity or misconduct to the satisfaction of the Governor-General in Council; and the native commissioners for the trial and decision of civil causes to a small amount, who are appointed with the approbation of the Court of Sudder Dewanny Adawlut, are not removable, during the period of their commissions, without sufficient cause proved to the satisfaction of that court. The zillah khezanchees, or native cash-keepers under the collectors, are, in like manner, required to be appointed with the approbation of the Board of Revenue, and are declared not to be removable, except for misconduct or other sufficient cause proved to the satisfaction of that Board. But, in other instances, it is not required by the existing Regulations that the sanction of the Governor-General in Council, or the approbation of the Sudder Dewanny Adawlut and Nizamut Adawlut, or of the Boards of Revenue and Trade, be obtained to the appointment of the native officers employed on the part of Government in the judicial, revenue, and commercial departments, or in the departments of salt, opium, and customs; nor has any general provision been made for securing the continuance of such officers in their respective situations, whilst they perform the duties assigned to them with attention and fidelity. His Excellency the Most Noble the Governor-General in Council has therefore enacted the following further rules, to be in immediate force within the provinces of Bengal, Behar, and Orissa (including Cuttack), the province of Benares, and the provinces ceded by the Nawaub Vizier.

Sec. ii. Reg. XIII. 1793, and Sec. ii. Reg. XII. 1803, rescinded in part.

II. Such parts of Section II. Regulation XIII. 1793 (extended to Benares by Regulation XII. 1795), and of Section II. Regulation XII. 1803, for the provinces ceded by the Nawaub Vizier, as authorize the Courts of Civil and Criminal Judicature to appoint their respective native officers (excepting the naibs of the nazirs, the mirdahs, and the peons), and to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient, are hereby rescinded.

Sec. xiii. Reg. II. 1793, and Sec. xiii. Reg. V. 1795, rescinded in part.

III. Such parts of Section XIII. Regulation II. 1793, and Section XIII. Regulation V. 1795, as declare the appointment and dismission of native public servants on the establishments of the collectorships (the keepers of the records and the khezanchees excepted) to be vested in the collectors of the revenue, are also hereby rescinded.

Head native officers herein specified not to be removed from their offices without the sanction of the *Governor-General in Council.*

IV. The head ministerial native officers, who are now or may be hereafter employed in the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, the *Provincial Courts of Appeal and Circuit*, the Zillah and City Civil Courts, and the courts of the magistrates in the several zillahs and cities, the head native officers who are now or may be hereafter employed under the secretary to the Board of Revenue or the collectors of the revenue, and the head native officers who are now or may be hereafter employed under *the secretary to the Board of Trade, the commercial resi-*

Modified by Sec. iii. Reg. VIII. 1809.

dents or agents, the agents for the provision of salt and opium, or the collectors of the customs, shall not be removed from their respective offices without the sanction of the *Governor-General in Council.*

See Sec. iv. Reg. VIII. 1809.

V. Whenever the head ministerial native officers of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, of the *Provincial Courts of Appeal and Circuit*, of the City and Zillah Civil Courts, of the courts of the magistrates in the several zillahs and cities, or the principal native officers employed under the secretaries to the Board of Revenue *and Board of Trade*, or the head native officers of the collectors of the land revenue and of the customs, *of the commercial residents and agents*, or of the agents for the provision of salt and opium, shall be desirous of resigning their offices, the above-mentioned authorities are hereby required to receive and record such resignations in open court or in their public cutcherries, *and to transmit the same, through the channel prescribed for conducting the public correspondence, to the Governor-General in Council for his information and orders.*

Applications of the head native officers for permission to resign, to be publicly recorded and submitted to the *Governor-General* in Council through the prescribed channels.

Modified in respect of law officers by Sec. iv. Reg. VIII. 1809, and Sec. iv. Reg. XI. 1826.

See Cl. 5, Sec. x. Reg. VIII. 1809.

VI. Whenever the authorities specified in the preceding sections may see cause for the removal of any of their head native officers, on the ground of misconduct, incapacity, or otherwise, they shall communicate to such officer the grounds upon which they may consider him undeserving of continuance in his station, and call upon him to state what he may have to offer in his defence. If his answer appear unsatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy and translation of the communication made to the officer, and his answer, shall be transmitted, through the prescribed channel of public correspondence, *to the Governor-General in Council*, who will pass such order thereupon as he may judge proper. In the event of any proceedings or documents being referred to in the reports made in such cases, a copy and translation of such parts thereof as may be material, and appear necessary for the full information *of the Governor-General in Council*, shall also be transmitted with the reports required. In cases, however, in which the head native officer of any of the authorities noticed in Section IV. may have been guilty of gross misconduct, such as to require his immediate suspension from the exercise of the functions of his station, the officer under whose authority he may be employed is empowered to suspend him, and, if requisite for the public business, to nominate another person, duly qualified, to act in his place, until the orders *of the Governor-General in Council* can be obtained upon the case.

Rule of proceeding to be observed when there may appear to be cause for the removal of any head native officer.

Superseded by the provisions of Reg. VIII. 1809.

VII. *A report shall likewise be made to the Governor-General in Council without loss of time, through the channel above prescribed, whenever an actual vacancy shall occur in the situation of head native officer to any of the authorities mentioned in Section IV. of this Regulation, from death or any other cause.*

Report to be made to Government in the event of vacancies through death or otherwise.

VIII.* Whenever the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue *and Trade* (through whom all correspondence on this subject is in future to be conducted), shall receive any

Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and Boards of Revenue *and*

* See note in the following page.

Trade, to state their opinions on the propriety of accepting resignations, or of proposed dismissions of head native officers.

reports from the *Provincial*, City, or Zillah Courts, or from the collectors of the land revenue, *or from the commercial residents or agents*, or the collectors of customs, or agents for the provision of salt and opium, enclosing the resignations of their principal native officers, the Sudder Dewanny Adawlut and the Boards of Revenue *and Trade* shall forward the said resignations to the *Governor-General in Council*, with their opinion whether any objections occur to accepting the resignations in question. In like manner, whenever the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue *and Trade*, shall receive any report from the authorities subject to the control of those courts and boards respectively, regarding the misconduct or incapacity of their head native officers, the Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue *and Trade*, shall forward such reports to the *Governor-General in Council* (after calling for such further information as they may deem necessary), and shall state their opinion whether there appear to be sufficient grounds for the dismission of the officers proposed to be removed. On the same principle, those authorities are to forward to the *Governor-General in Council* any reports which they may have received of vacancies among any of the head native officers, from the death of such officers or from any other cause.

Rule to be observed in the nomination and appointment of persons to fill vacancies in the station of a head native officer under any of the authorities specified.

IX.* When the head native officer of any of the authorities specified in Section IV. may by removed from his station by order of the Governor-General in Council, and also whenever a vacancy may occur from death, resignation, or otherwise, in the station of head native officer to any of those authorities, the Courts of Sudder Dewanny Adawlut or Nizamut Adawlut, *the Provincial Court of Appeal or Circuit*, the zillah or city judge or magistrate, the Board of Revenue or collector, *the Board of Trade, commercial resident or agent;* the agent for the provision of salt or opium, or the collector of customs in whose immediate department such removal or vacancy may occur, shall nominate, through the proper channel, for the approbation of the Governor-General in Council, a person duly qualified to succeed to the station so vacated; and shall at the same time report fully any information obtained of the past employments, character, and qualifications of the proposed successor. *The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue and Trade, in submitting any such reports from the officers in their respective departments to the Governor-General in Council, shall add whether they are aware of any objections to the proposed appointment; and the Governor-General in Council, on the receipt of such reports, or after calling for any further information that may appear necessary, will either confirm the person nominated to fill the vacant office, or will direct that a further nomination be made for his approval.* Superseded

The rules contained in the five preceding sections declared applicable to the law officers, the cauzies, the re-

X.* The rules contained in the five preceding sections shall be held applicable to the law officers of the several courts of justice, to the cauzy-ul-cozzaat and cauzies of the towns, cities, and pergunnahs, to the keepers Modified by Secs. iv. vii. and x. Reg. VIII. 1809, Reg. XI. 1825, and III. 1829.

* By Sec. iii. Reg. VIII. 1809, the appointment and removal of principal ministerial officers of courts, boards, and collectors, and of the salt, opium, and customs departments, were transferred from the Governor-General in Council to the Sudder Courts and Controlling Board. The rules of these sections will apply only to law officers.

Modified by Secs. iv. vii. and x. Reg. VIII. 1809, Reg XI. 1826, and III. 1829.

of the records of the Courts of Judicature and of the collectorships, to the police darogahs, *and to the tehseeldars who are vested with the charge of the police in the province of Benares and the provinces ceded by the Nawaub Vizier*, in addition to the rules now in force for the appointment or removal of those officers respectively, or in amendment thereof, as far as the former rules are different from the provisions contained in the preceding sections of this Regulation: but the tehseeldars in the provinces above mentioned being responsibly employed in the collection of the public revenue, they shall not be liable to suspension under Section VI. except by order of the Governor-General in Council or Board of Revenue, or the collectors; and the nomination of persons to fill vacancies in the office of tehseeldar in the above provinces, under Section IX. shall be made to Government by the collectors through the Board of Revenue.

cord-keepers, and the principal police officers, in addition to, and in amendment of, the rules now in force for their appointment and removal.

Provision respecting suspension and nomination of tehseeldars in charge of the police, in Benares and the ceded provinces.

XI. The Governor-General in Council also reserves to himself the power of ordering Sections V. VI. VII. VIII. and IX. of this Regulation to be applied to any other native officers in the judicial, revenue, or *commercial* departments, or in the departments of salt, opium, and customs, for whose appointment and removal he may, at any time, judge it proper to require the express sanction of the Government. In the mean time, the rules contained in the following sections are to be considered applicable to all native officers whose appointment and removal may not have been specially reserved to the Governor-General in Council.

Power reserved to the Governor-General in Council of extending Secs. v. vi. vii. viii. and ix. of this Regulation to any other native officers in the departments specified, for whose removal and appointment he may judge the sanction of Government necessary; in the mean time the following rules to be observed.

Modified by Sec. x. Reg. VIII. 1809.

XII. The nazirs of the several Courts of Judicature, civil and criminal, shall be allowed, as heretofore, to appoint their own naibs, and the mirdahs and peons, or any similar descriptions of public servants employed under their immediate direction and control; and to fill up all vacancies which, from time to time, may occur in such appointments, subject to the approbation of the judges and magistrates superintending the courts to which they are attached, and to the responsibility prescribed by Section II. Regulation XIII. 1793, and Section II. Regulation XII. 1803, for the good behaviour of the naibs, mirdahs, peons, and others appointed by them. They may also, as hitherto, remove the persons so appointed by them, provided they can state sufficient cause to the satisfaction of the judge and magistrate, but not without his previous knowledge and sanction. [*The police darogahs and the tehseeldars, who are vested with the charge of the police, as well as the city cutwals, and other police officers acting immediately under the zillah and city magistrates, shall, in like manner, and under the same responsibility, be allowed to nominate, for the approbation of the magistrate, their own naibs, jemadars, and burkundauzes, or any similar descriptions of public servants composing part of their authorized police establishments, whenever vacancies may occur in such establishments, and to remove the persons acting under them upon such establishments, provided they can show sufficient cause to the satisfaction of the magistrate; but not without obtaining his previous sanction.*]

Rescinded by Sec. iii. Reg. XX. 1817.

Nazirs of the Courts of Judicature allowed to appoint certain public servants employed under them, and to fill up vacancies subject to the approbation of the judges and magistrates, and to the responsibility prescribed by Sec. ii. Reg. XIII. 1793, and Sec. ii. Reg. XII. 1803. They may also remove such servants on stating sufficient cause to the satisfaction of the judge or magistrate, but not without his previous knowledge and sanction. *Police darogahs and other police officers also empowered to nominate and remove similar public servants subordinate to them under the same restrictions.*

XIII. The principle of the foregoing section shall be equally applicable to the naib nazirs, the mirdahs, peons, jemadars, and burkundauzes, or any similar descriptions of public servants employed in the revenue *and commercial* departments, or in the departments of salt, opium, and cus-

The principle of the foregoing section applicable to the same descriptions of public servants in the revenue *and commercial* de-

partments. *Also to any other similar establishments in the judicial department.*

toms; and shall be observed accordingly in the whole of the public offices which are now established, or may be hereafter constituted, in these departments respectively. *It shall also be applied to any establishments of the descriptions specified, which may at any time be allowed by Government to the native commissioners now appointed or who may be hereafter appointed in the judicial department, and generally to all similar establishments in that department.*

See Sec. xii. Reg. XXV. 1837.

Rule for the appointment and removal of other inferior native officers, whose salaries shall not amount to ten rupees per mensem.

XIV. Any other inferior native officers forming part of the fixed establishments of the Zillah and City Courts, civil or criminal, or of any officers acting under the authority of the zillah and city judges and magistrates, *of the Provincial Courts of Appeal and Circuit*, or of any other court or office in the judicial department, or forming part of the fixed establishments of the collectors of the revenue; of any officers acting under the authority of the collectors of the revenue, or of any other office in the revenue department, or forming part of the fixed establishments of the *commercial residents and agents*, the agents for the provision of salt and opium, or the collectors of the customs, and of any officers acting under the authority of these officers, or of any other office *in the commercial department*, or the departments of salt, opium, and customs (provided that the salary or other allowance of the several inferior officers herein referred to shall not amount to the sum of ten rupees per mensem), may be appointed whenever vacancies occur in the stations of such officers, and on proof of misconduct, or other sufficient cause, may be removed, without any reference to any superior authority, by the public officer on whose establishment they are entertained, or to whose immediate authority they are subject, viz. by the zillah and city judges and magistrates, *the Provincial Courts of Appeal and Circuit*, the register to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the superintendent, however denominated, of any other office in the judicial department; by the collectors of the revenue, the secretary to the Board of Revenue, and any other heads of office in the revenue department; by *the commercial residents and agents*, the agents for the provision of salt and opium, the collectors of customs, *the secretary to the Board of Trade, and any other denominations of superintending officers in the commercial department.* The whole of the officers herein described, however, are directed to record upon their proceedings the grounds upon which any native officers may be removed by them, and are required to exercise the power vested in them, in the appointment and removal of the inferior officers acting under them respectively, with due regard to the public service and the rights of individuals, by selecting proper persons to fill all vacancies in the situations of such officers, and by continuing in office the persons appointed, whether by themselves or their predecessors, whilst they discharge the duties assigned to them with diligence and integrity.

Modified by Sec. x. Reg. VIII. 1809.

Rule for the appointment and removal of native officers whose salaries amount to ten rupees per mensem or upwards, and whose appointment and removal have not been reserved to the Governor-Gene-

XV. The native officers who are now, or may be hereafter, employed in the several Courts of Judicature, civil and criminal, or under any public officer subject to the authority of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut; the native officers who are now or may be hereafter employed under the collectors of the revenue, the secretary to the Board of Revenue, or any public officer subject to the authority of the

Modified in respect of judicial officers by Sec. vii. Reg. VIII. 1809.

Modified in respect of judicial officers by Sec. vii. Reg. VIII. 1809.

Board of Revenue; and the native officers who are now, or may be hereafter employed, under *the commercial residents and agents*, the agents for the provision of salt and opium, the collectors of the customs, *the secretary to the Board of Trade, or any public officer subject to the authority of the Board of Trade*, for whose appointment and removal no provision has been made by the preceding sections of this Regulation, viz. all native officers so employed, whose salary or other allowance may amount to ten rupees per mensem or upwards, and whose appointment and removal may not have been reserved to the Governor-General in Council, shall not be removed from their respective offices without the sanction of the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, or the Board of Revenue *or Trade*, according to the department in which such officers may be employed.

ral in Council by the provisions of this Regulation.

Modified by Secs. vii. and x. Reg. VIII. 1809.

Rules to be observed in cases of actual vacancies among the native officers, or when such officers shall be desirous of resigning their employments, or shall be deemed disqualified for their offices

XVI. Whenever an actual vacancy shall occur among the native officers attached to any of the authorities specified in the preceding section, from death or from any other cause, such vacancy shall be immediately reported to the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, or to the Board of Revenue *or Board of Trade*, according to the department in which the vacancy may occur. The necessary report is likewise to be furnished regarding any such officers who may be desirous of resigning their employments; which resignations are uniformly to be taken in the manner prescribed in Section V. of this Regulation. In like manner, whenever the authorities specified in the preceding section may see cause for the removal of any of the native officers therein referred to, they shall communicate to such officer the grounds upon which they may consider him undeserving of continuation in his station, and call upon him to state what he may have to offer in his defence. If his answer appear unsatisfactory, and they shall consequently be of opinion that he ought to be removed, a report of the circumstances of the case, with a copy of the communication made to the officer, and his answer, shall be transmitted (according to the department in which he may be employed) to the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, or to the Board of Revenue *or Board of Trade*, who will pass such order thereupon as they may judge proper. In the event of any proceedings or documents being referred to in the reports made in such cases, a copy of such parts thereof as may be material, and appear necessary for the full information of the Court of Sudder Dewanny Adawlut or Nizamut Adawlut, or the Board of Revenue *or Trade*, shall also be transmitted with the reports required.

Cases in which native officers may be suspended immediately, and a person appointed to perform the duty.

Such suspensions and nominations to be reported.

XVII. In cases wherein any of the native officers described in Section XV. may have been guilty of gross misconduct, such as to require his immediate suspension from the exercise of the functions of his station, the officer under whose authority he may be employed is empowered to suspend him, and if requisite for the public business, to nominate another person duly qualified to act in his place, until the orders of the Superior Court or board can be obtained upon the case. But such suspensions and nominations are to be reported, with the least possible delay, for the information and orders of the Sudder Dewanny Adawlut, or Nizamut Adawlut, or the Board of Revenue *or Trade*, according to the proper department.

Rule to be observed in the nomination and appointment of persons to fill vacancies in the stations of native officers described in Section xv.

XVIII. Whenever an actual vacancy shall occur in the station of any of the native officers described in Section XV. of this Regulation, from death or other cause, and whenever any vacancy shall occur by the resignation or removal of any such officer, under the sanction or orders of the Sudder Dewanny Adawlut and Nizamut Adawlut, or of the Board of Revenue *or Board of Trade*, the authorities before specified, in whose immediate department such removal or vacancy may occur, shall nominate, for the approbation of the Sudder Dewanny Adawlut or Nizamut Adawlut, or the Board of Revenue *or Trade*, a person duly qualified to succeed to the station so vacated; and shall, at the same time, report fully any information obtained of the past employments, character, and qualifications of the proposed successor. The Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and the Boards of Revenue *and Trade*, on the receipt of such reports, or after calling for any further information that may appear necessary, are authorized to confirm the person nominated to fill the vacant office, or to direct that a further nomination be made for their aproval.

Modified by Secs. vii. and x. Reg. VIII. 1809.

The rules contained in the four preceding sections declared applicable to the native commissioners and khezanchees of the collectors, in addition to and in amendment of the rules now in force for their appointment and removal; also meant to include the tehseeldars of the revenue in Bengal, Behar, and Orissa.

An order of Government sufficient to extend the provisions of this Regulation to other offices not particularly described therein.

XIX. The rules contained in the four preceding sections shall be held applicable [*to the native commissioners for the trial of civil causes, and*] to the khezanchees or native cash-keepers of the collectors, in addition to the rules now in force for the appointment and removal of those officers, or in amendment thereof, as far as the former rules are different from those now enacted. The provisions in those sections are also meant to include the tehseeldars employed for the collection of the public revenue in the provinces of Bengal, Behar, and Orissa, who are accordingly to be nominated by the collectors and approved by the Board of Revenue. It is hereby further declared, that an order of Government shall be sufficient without a new Regulation, to extend the provisions of this Regulation to any offices now subsisting, or which may be hereafter instituted, in the judicial, revenue, *or commercial departments*, or in the departments of salt, opium, and customs, though not within the exact denomination of the offices described in this Regulation.

Rescinded by Sec. ii. Reg. XXIII. 1814.

Public officers herein specified to submit statements of present authorized establishments, and to nominate persons to fill any vacancies.

XX. On receipt of this Regulation, the several authorities referred to in it, who are respectively subordinate to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or to the Boards of Revenue *and Trade*, shall transmit to those courts and boards a complete statement of their establishments as now authorized by Government, and of the establishments of all officers acting under them who are paid by Government; specifying the number and fixed allowances of the native officers actually employed, and the names of those whose salaries or other allowances amount to ten rupees per mensem, with the dates of their appointments. In the event of the stations of any officers of this description being now vacant, and of its being requisite for the public business to fill such vacancies, they shall, at the same time, nominate proper persons for this purpose, in conformity with Sections IX. and XVIII. of this Regulation. The statements so transmitted shall be forwarded, as received, to the civil auditor, who shall compare them with the authorized establishments, and report any deviations, through the proper channel, for the orders of the Governor-General in Council; after obtaining which, the names of the

Extinct.

Statements to be forwarded to civil auditor, and reports to be made by that officer.

officers actually employed, and receiving the allowance specified, shall be entered in the book of civil establishments.

XXI. Any future removals and appointments of the native officers described in this Regulation, and receiving an allowance of ten rupees per mensem or upwards, which may be sanctioned by the Governor-General in Council or by the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, or the Boards of Revenue *and Trade*, shall also be communicated to the civil auditor by the register to the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, and by the secretaries to the Boards of Revenue *and Trade*, for the purpose of making the requisite alteration in the book of civil establishments.

Future removals and appointments to be communicated to the civil auditor by the register to the Sudder Dewanny Adawlut and Nizamut Adawlut, and by the secretaries to the Boards of Revenue *and Trade*.

XXII. The several authorities and officers referred to in this Regulation, who may hereafter have accounts to render to the accountant-general, or to the accountants in the judicial, revenue, *and commercial departments*, or to the civil auditor, which, by the rules and orders now in force, or by such as may be passed in future, are or may be required to be accompanied with detailed statements of the establishments of native officers, shall uniformly insert in such statements the names of the native officers actually employed, and receiving an allowance of ten rupees per mensem or upwards, as sanctioned by the Governor-General in Council, or by the Sudder Dewanny Adawlut and Nizamut Adawlut, or by the Boards of Revenue *or Trade*, under the provisions contained in this Regulation.

The authorities specified in this Regulation to insert in all detailed statements of establishments required with their accounts, the names of all native officers receiving a salary of ten rupees or upwards.

XXIII. The several officers of Government in the judicial, revenue, *and commercial departments*, and in the departments of salt, opium, and customs, who are already restricted by their official oaths, or by the known declarations and orders of Government, from deriving any personal advantage whatever from their fixed establishments of native officers, are further hereby positively prohibited from making any alteration whatever in the distribution of the salaries of such officers, or in the number and designation of the several descriptions of native officers, which now compose, or may hereafter compose, their authorized establishments, without the express sanction of the Governor-General in Council.

Officers of Government specified, prohibited from making any alteration in the fixed distribution of the salaries of native officers, or in their number and designation, without the sanction of Government.

XXIV. Nothing in this Regulation shall be construed to establish a claim of inheritance to any public office whatever, or to prevent the abolition of any such office by order of the Governor-General in Council, whenever he may judge it unnecessary to continue the same for the public service.

Public offices referred to, declared not to be hereditary, and may at any time be abolished by Government.

See Act XXI. 1837.

XXV. By Section III. Regulation II. 1793, it is enacted, that the collectors of the public revenue, previously to entering upon the execution of the duties of their offices, shall take the oath prescribed by Act of Parliament for servants of the Company employed in the management or collection of the revenue, before one of the judges of the Supreme Court of Judicature. But it has, in many cases, been found inconvenient to bring the persons so employed from their stations to the presidency, for the purpose of taking the oath prescribed by the Statute 33 Geo. III. cap. 52,

Inconvenience experienced from bringing to the presidency all persons concerned in the collection of the revenues, for the purpose of taking the oath prescribed by the Statute 33 Geo. III. cap 52.

before one of the judges of the Supreme Court; and by the provision made in the said statute, such oath may be administered by any person deputed or authorized for this purpose by an order of the Governor-General in Council. It is therefore hereby declared, in modification of Section III. Regulation II. 1793, that whenever it may be requisite to administer to any person employed in the management or collection of the revenue, the oath prescribed by the sixty-first section of the Statute aforesaid, the Governor-General in Council will determine and direct whether the same shall be taken before one of the judges of the Supreme Court of Judicature at Calcutta, or before such other person as may be authorized by an order of Government for this purpose. It shall, however, be observed as an invariable rule, whenever the oath in question may be taken before any other person than one of the judges of the Supreme Court, to transmit the same, duly subscribed and attested, to the register to the Sudder Dewanny Adawlut, for the purpose of being recorded in that court.

Governor-General in Council will, in future, determine whether the oath shall be taken before a judge of the Supreme Court or before such other person as may be authorized.

Rule to be observed when the oath may not be taken before one of the judges of the Supreme Court.

Form of the oath.

XXVI. The following is the form of the oath which is to be taken by the persons employed in the collection of the public revenue.

"I, ————, do promise and swear, that I will, to the utmost of my endeavours, well and faithfully execute and discharge the duties of an officer of revenue, reposed in and committed to me by the United Company of Merchants of England trading to the East-Indies; and that I will not demand, take, or accept, directly or indirectly, by myself or by any other person for my use or on my behalf, of or from any rajah, zemindar, talookdar, polygar, farmer, renter, or ryot, or from any person paying or liable to pay any tribute, rent, or tax, to or for the use of the said United Company, any sum of money or other valuable thing, by way of gift, present, or otherwise, over and above, or besides and except the actual tribute, rent, or tax, authorized to be taken by and for the use of the said United Company; and that I will justly and truly account for, answer, and pay all the rents, duties, and other revenues and sums of money which shall come to my hands, or to the hands of any person or persons in trust for or employed by me as an officer of the revenues of the said Company, unto the said United Company. So help me God."

A.D. 1804. REGULATION VI.

Reg. VI. 1804.

A REGULATION *for rescinding Regulation XXXIX.* 1803; *for establishing Rules for levying a Duty on the Importation and Exportation of Salt in the Provinces ceded to the Honourable Company by the Nawaub Vizier, in the conquered Provinces in the Dooab and on the right Bank of the Jumna, and in the Province of Benares; for reducing the Rate of Duty established by Clause Sixth, Section IV. Regulation VI.* 1801, *on the Importation of Sulumba and Balumba Salt into the Province of Benares; and for withdrawing the Prohibition contained in Section VI. of that Regulation on the Manufacture of Salt within the Province of Benares:* PASSED *by the Governor-General in Council, on the 25th of August,* 1804.

I. WHEREAS a system was established, under date the 6th of November, 1802, for deriving a revenue from the exclusive importation and sale of salt in the provinces ceded to the Honourable Company by the Nawaub Vizier, and a Regulation was passed, under date the 24th of March, 1803, prescribing rules for preventing the illicit importation, manufacture, sale, or transportation of salt in those provinces: and whereas the acquisition of the provinces recently added to the dominions of the Honourable East-India Company in the north-west of Hindostan, and other considerations, have rendered it expedient to adopt an alteration in the present system for obtaining a revenue from salt in the ceded provinces, and to pursue measures for regulating the importation and internal manufacture of salt in the ceded provinces, and in the conquered provinces in the Dooab and on the right bank of the Jumna, on principles which are adapted to the circumstances of the country: From these considerations, and for the purpose of restoring and encouraging the trade formerly carried on with the provinces above mentioned, by the exchange of salt for articles the produce or manufacture of the ceded provinces and other parts of the British territories, the following rules have been enacted, to be in force in the ceded provinces, in the conquered provinces in the Dooab and on the right bank of the Jumna, and in the province of Benares (according as they relate to those provinces respectively), from the period of their promulgation.

Reg. XXXIX. of 1803, rescinded.

II. Regulation XXXIX. 1803, for preventing the illicit importation, manufacture, sale, or transportation of salt in the provinces ceded to the Honourable Company by the Nawaub Vizier, is rescinded.

[*The remainder of this Regulation is rescinded by Section XVIII. Regulation IX.* 1810, *and Section I. Act XIV.* 1843.]

Reg. VII. 1804

A.D. 1804. REGULATION VII.

A REGULATION *for determining the Rates of Duty to be levied, under Sections IV. and VII. Regulation VI.* 1804, *on the Importation and Exportation of Salt in the Provinces ceded to the Honourable Company by the Nawaub Vizier, and in the conquered Provinces situated within the Dooab and the right Bank of the River Jumna:* PASSED *by the Governor-General in Council, on the* 15*th October*, 1804.

[Rescinded by Section XVIII. Regulation IX. 1810, and Section I. Act XIV. 1843.]

Reg. VIII. 1804.

A.D. 1804. REGULATION VIII.

A REGULATION *for transferring the Zillahs of Allahabad and Goruckpore from the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of the Provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier; and for annexing those Zillahs to the Division of the Provincial Court of Appeal and the Court of Circuit for the Division of Benares:* PASSED *by the Governor-General in Council, on the* 27*th of November*, 1804.

[Extinct.]

Reg. IX. 1804.

A.D. 1804. REGULATION IX.

A REGULATION *for altering the Denomination of the Court of Circuit and the Provincial Court of Appeal for the Division of the Ceded Provinces: for the Administration of Justice in criminal Cases, in the Conquered Provinces in the Dooab and on the right Bank of the River Jumna, and in the Territory ceded to the Honourable the English East-India Company in Bundlecund by the Peishwa:* PASSED *by the Governor-General in Council, on the* 14*th of December*, 1804.

I. WHEREAS certain territories forming part of the Dooab, or country situated between the rivers Ganges and Jumna and on the right bank of the river Jumna, have been ceded to the English East-India Company, in

full sovereignty, by Dowlut Rao Scindiah; and whereas certain territories forming part of the province of Bundlecund, and situated on the right bank of the river Jumna, have been ceded to the English East-India Company, in full sovereignty, by the Peishwa; and whereas it is necessary for the security of the persons of the inhabitants of the said territories and of certain contiguous territories which have been acquired by the British Government, to provide for the administration of justice, in criminal cases, in the territories and districts aforesaid; and whereas it hath been the ancient usage in the said territories to administer justice, in such cases, according to the Mahomedan law; and whereas it hath been deemed advisable to continue the said law, with such modifications of it as have been adopted for the administration of justice, in criminal cases, in the provinces ceded to the English East-India Company by the Nawaub Vizier; and whereas it is necessary that the said territories be divided into separate zillahs, and that certain pergunnahs, separated from the zillahs of Etawah and Moradabad, and annexed to the zillah of Allyghur, be excepted from the operation of that part of the present Regulation prescribing the periods of time from which the said Regulation shall be in force; and whereas it hath been deemed advisable to alter the denomination of the Court of Circuit and Provincial Court of Appeal for the division of the ceded provinces; the Governor-General in Council hath been pleased to enact the following rules, which shall be in force from the date of their promulgation.

Superseded by the abolition of Provincial Courts.

II. *That part of Section II. Regulation VII.* 1803, *which declares that the court constituted for the trial of persons charged with crimes and misdemeanors in the provinces ceded by the Nawaub Vizier to the English East-India Company, shall be denominated "the Court of Circuit for the division of the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company," is hereby rescinded, and that court shall be hereafter denominated "the Court of Circuit for the division of Bareilly."*

The Court of Circuit for the division of the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, to be hereafter denominated the Court of Circuit for the division of Bareilly.

III. The territories ceded to the English East-India Company by Dowlut Rao Scindiah, situated within the Dooab and on the right bank of the river Jumna, shall be formed into *five* divisions; to be denominated *the zillah of Panniput*, the northern and southern division of the zillah of Saharunpore, the zillah of Allyghur, and the zillah of Agra. *These zillahs shall be included in the division of the Court of Circuit for the division of Bareilly.*

See Sec. II. Reg. I. 1820.

The conquered territories in the Dooab, and on the right bank of the river Jumna, to be formed into *five* divisions; denominations of those divisions.

To be included in the Bareilly division.

IV. The territory in Bundlecund, situated on the right bank of the river Jumna, ceded to the English East-India Company by the Peishwa, *shall be included in the division of the Court of Circuit for the division of Benares, and* shall be denominated the zillah of Bundlecund.

The territory in Bundlecund, ceded to the Honourable Company by the Peishwa, to be denominated the zillah of Bundlecund, *to be included in the Benares division.*

V. [Order of jail deliveries by the Court of Circuit.]—*Superseded.*

VI. The *Court of Circuit* shall be guided in its decisions and proceedings by the Regulations which have been enacted conformably to the rules prescribed in Regulation I. 1803, for the administration of justice, in criminal cases, in the provinces ceded to the English East-India Company

Court of Circuit to be guided in its decisions and proceedings by the Regulations enacted conformably to Reg. I. 1803, for the

administration of justice in criminal cases.

by the Nawaub Vizier, or which shall be hereafter enacted, agreeably t the forms prescribed by the said Regulation, for the administration of justice in the territories aforesaid, ceded to the East-India Company by the Peishwa and Dowlut Rao Scindiah or acquired by the British Government.

A magistrate to be appointed to each of the zillahs specified in Secs. iii. and iv., with the same powers as are vested in the magistrates in the provinces ceded to the Company by the Nawaub Vizier.

VII. A magistrate shall be appointed in each of the zillahs specified in Sections III. and IV. who shall exercise the powers now vested in the magistrates of the zillahs in the provinces ceded to the English East-India Company by the Nawaub Vizier, under the Regulations passed and published conformably to the rules prescribed in Regulation I. 1803, or such other powers as may be hereafter vested, by any Regulation so passed and published, in the magistrates of the zillahs included in the territories ceded to the English East-India Company by the Peishwa and Dowlut Rao Scindiah, or acquired as aforesaid.

The Governor-General in Council competent, by an order in Council, to make alterations in the limits of the zillahs aforesaid, or to form additional zillahs of the territories in question.

VIII. It shall be competent for the Governor-General in Council, by an order in council, to make any alteration in the limits of the zillahs specified in the preceding sections, or to make any annexations to the said zillahs, or separations from them, which shall hereafter appear to him to be advisable, or to form any part of the territories aforesaid into additional zillahs.

Magistrates to have charge of the police, and to station darogahs of police where necessary.

IX. The magistrates shall have the charge of the police of the country; and shall station darogahs of police in those parts of their respective zillahs, in which the aid of such officers shall be necessary for the maintenance of the peace of the country, in the same manner as the magistrates in the provinces ceded to the English East-India Company by the Nawaub Vizier are empowered to nominate darogahs of police within their respective zillahs. The magistrates shall be guided by the Regulations now in force, regarding the police in the provinces ceded to the English East-India Company by the Nawaub Vizier, or such other Regulations applicable to their respective zillahs as may be hereafter enacted. Provided, however, that this Regulation shall not be construed to exonerate the zemindars, farmers, or other holders of lands in the said zillahs, from the duties and responsibility imposed on them by the terms of their existing engagements, or by the ancient and established usages of the country, which may not have been superseded by such engagements, or by an order of a competent authority, for the prevention of robberies and other disorders, and for the maintenance of peace and good order within their respective limits. Such zemindars, farmers, and other holders of lands, shall continue to perform such duties, and be liable to such responsibility, notwithstanding anything which may be said to the contrary in any Regulation enacted previously to the date of this Regulation.

See Reg. XX. 1817, and Act XXIV. 1837.

All existing and future Regulations regarding the police within the provinces ceded to the Company by the Nawaub Vizier, considered to extend to the territories aforesaid, unless specially excepted.

This Regulation not to exonerate the zemindars, &c. in the said territories from the duties and responsibility imposed on them by the terms of their tenures and the usages of the country.

The magistrate of Bundlecund to exercise the duties of police, under the superintendence of the commissioners in that province, who are also to exercise

X. *The magistrate of the zillah of Bundlecund shall exercise the duties of the police of the zillah under the superintendence of the commissioners appointed to superintend the administration of the affairs of that zillah, who are likewise hereby authorized, jointly and severally, to exercise the powers of magistrates throughout the limits of the zillah. The appoint-*

ment of darogahs of the police by the magistrate of the zillah of Bundlecund shall be subject to the sanction of the commissioners.

darogahs of police by the magistrate of Bundlecund to be subject to the sanction of the commissioners.

the powers of magistrates.

XI. This Regulation shall not be construed to empower the magistrates of the zillahs specified in Section III., *or the Court of Circuit for the division of Bareilly*, to take cognizance of any crimes or offences committed previously to the 30th of December, 1803, the date of the treaty concluded between the British Government and Dowlut Rao Scindiah, by which the territories included in those zillahs were ceded to the Honourable the English East-India Company; nor to empower the magistrate of the zillah of Bundlecund, *or the Court of Circuit for the division of Benares*, to take cognizance of any crimes or offences committed previously to the 16th of December, 1803, the date when the article was added to the treaty concluded at Bassein between the British Government and the Peishwa, by which certain territory in Bundlecund was ceded to the Honourable the English East-India Company; nor to empower any of the magistrates or *Courts of Circuit aforesaid*, to take cognizance of any crimes or offences committed in the territories acquired by the British Government, as aforesaid, previously to the date of their acquisition; nor to empower the *Court of Circuit for the division of Bareilly, or the Court of Circuit for the division of Benares, or the* Nizamut Adawlut, to pass any sentence on persons convicted of crimes or offences committed between the aforesaid dates (according as the crimes and offences shall be committed within the zillahs respectively to which the said dates are declared to apply) and the date of the promulgation of this Regulation, excepting the sentence to which such persons would have been subject under the Mahomedan law, as it prevailed within the limits of the said zillahs during the aforesaid period. Provided, however, that in cases in which the said sentence shall not extend to life or limb, or to imprisonment for life, *the Court of Circuit*, in the event of the charge being proved to its satisfaction, shall be at liberty to direct the said sentence to be carried into execution, or to mitigate the punishment to such extent as it shall deem proper, on a consideration of the circumstances of the case; and provided also, that in cases in which the said sentence shall extend to the loss of a limb or limbs, the *Court of Circuit*, provided the charge shall be proved to its satisfaction, shall be at liberty to commute the sentence, when it shall adjudge the prisoner to lose two limbs, for imprisonment and hard labour for fourteen years, and to commute the sentence, when it shall adjudge the prisoner to lose one limb, for imprisonment and hard labour for seven years; directing the sentence to be carried into execution, or mitigating the punishment to such an extent as it shall judge proper, on a consideration of the circumstances of the case; and provided, likewise, that in cases in which the sentence shall adjudge the prisoner to suffer the punishment of death or of imprisonment for life, or the *Court of Circuit* shall disapprove of any part of the proceedings held on the trial or of the futwah delivered by the law officers, the proceedings of the *Court of Circuit*, with the opinion of the *Court* on the merits of the case so referred, shall be transmitted to the Nizamut Adawlut, which court, if the charge shall have been proved against the prisoner to its satisfaction, shall direct such punishment to be carried into execution, or commute or mitigate the same, *or recommend the prisoner to the*

The appointment of

Magistrates of the zillahs specified in Sec. iii. *and the Bareilly Court of Circuit*, not to take cognisance of crimes committed previously to the 30th December, 1803.

Magistrate of Bundlecund, *and the Benares Court of Circuit*, not to take cognisance of crimes committed previously to the 16th December, 1803.

What sentences may be passed on persons convicted of crimes committed between the dates above specified and the promulgation of this Regulation.

Court of Circuit empowered to order such sentences to be carried into execution in certain cases;

and to commute sentences which shall extend to the loss of a limb or limbs for imprisonment and hard labour for limited periods of time.

Court of Circuit to report to the Nizamut Adawlut in cases where such sentences shall adjudge the prisoner to suffer death or imprisonment for life, or where the *Court of Circuit* shall disapprove of the proceedings or the futwah.

Nizamut Adawlut to confirm such sentences,

to commute or mitigate the same, *or to recommend the prisoner to the Governor-General in Council for mercy,*

Governor-General in Council for mercy, according as shall appear to the court to be proper, on a consideration of the circumstances of the case.

according as the court shall judge proper.

The dates prescribed in Sec. xi. not to be applied to certain pergunnahs separated from Moradabad and Etawah, and annexed to Allyghur.

The date specified in Sec. xxxiv. Reg. VI. 1803, to be still applicable to those pergunnahs.

XII. The dates prescribed in Section XI. for the retrospective operation of this Regulation shall not be construed to extend to certain pergunnahs separated from the zillahs of Moradabad and Etawah and annexed to the zillah of Allyghur, conformably to the orders passed by the Governor-General in Council under date the 27th of November, 1804. The date prescribed in Section XXXIV. Regulation VI. 1803, respecting the cognizance of crimes or offences committed in the provinces ceded by the Nawaub Vizier to the English East-India Company, shall be considered to be still applicable to those pergunnahs.

Reg. X. 1804.

A.D. 1804. REGULATION X.

A REGULATION *for declaring the Powers of the Governor-General in Council to provide for the immediate Punishment of certain Offences against the State by the Sentence of Courts Martial:* PASSED *by the Governor-General in Council, on the* 14*th December*, 1804.

I. WHEREAS, during wars in which the British Government has been engaged against certain of the native powers of India, certain persons owing allegiance to the British Government have borne arms in open hostility to the authority of the same, and have abetted and aided the enemy, and have committed acts of violence and outrage against the lives and properties of the subjects of the said Government; and whereas it may be expedient that, during the existence of any war in which the British Government in India may be engaged with any power whatever, as well as during the existence of open rebellion against the authority of the Government, in any part of the British territories subject to the Government of the presidency of Fort William, the Governor-General in Council should declare and establish martial law within any part of the territories aforesaid, for the safety of the British possessions and for the security of the lives and property of the inhabitants thereof, by the immediate punishment of persons owing allegiance to the British Government who may be taken in arms, in open hostility to the said Government, or in the actual commission of any overt act of rebellion against the authority of the same, or in the act of openly aiding and abetting the enemies of the British Government within any part of the territories above specified; the following Regulation has been enacted by the Governor-General in Council, to be in force throughout the British territories immediately subject to the Government of the presidency of Fort William, from the date of its promulgation.

II. The Governor-General in Council is hereby declared to be empowered to suspend, or to direct any public authority or officer to order the suspension of, wholly or partially, the functions of the ordinary Criminal Courts of Judicature, within any zillah, district, city, or other place, within any part of the British territories subject to the government of the presidency of Fort William, and to establish martial law therein, for any period of time while the British Government in India shall be engaged in war with any native or other power, as well as during the existence of open rebellion against the authority of the Government, in any part of the territories aforesaid; and also to direct the immediate trial, by courts martial, of all persons owing allegiance to the British Government, either in consequence of their having been born, or of their being residents within its territories and under its protection, who shall be taken in arms in open hostility to the British Government, or in the act of opposing by force of arms the authority of the same, or in the actual commission of any overt act of rebellion against the state, or in the act of openly aiding and abetting the enemies of the British Government within any part of the said territories.

The Governor-General in Council, in time of war or during the existence of rebellion, empowered to suspend, or to direct any public authority or officer to suspend the functions of the ordinary criminal courts of judicature, in any district, city, or other place within the British territories, and to establish martial law therein; and to direct the immediate trial by courts martial, of all persons owing allegiance to the British Government, who shall offend against this Regulation.

Modified by Act V. 1841.

III. It is hereby further declared, that any person born or residing under the protection of the British Government within the territories aforesaid, and consequently owing allegiance to the said Government, who, in violation of the obligations of such allegiance, shall be guilty of any of the crimes specified in the preceding section, and who shall be convicted thereof by the sentence of a court martial, during the suspension of the functions of the ordinary Criminal Courts of Judicature and the establishment of the martial law, shall be liable to the immediate punishment of death, and shall suffer the same accordingly, by being hung by the neck till he is dead. All persons who shall, in such cases, be adjudged by a court martial to be guilty of any of the crimes specified in this Regulation, shall also forfeit to the British Government all property and effects, real and personal, which they shall have possessed within its territories, at the time when the crime of which they may be convicted shall have been committed.

Persons owing allegiance to the British Government, who shall be convicted, by the sentence of a court martial, of any of the crimes specified in the foregoing section, shall be liable to the immediate punishment of death;

and to the forfeiture of their property and effects.

IV. The Governor-General in Council shall not be precluded by this Regulation from causing persons charged with any of the offences described in the present Regulation to be brought to trial, at any time, before the ordinary Courts of Judicature, or before any special court appointed for the trial of such offences, under Regulation IV. 1799, and Regulation XX. 1803, instead of causing such persons to be tried by courts martial, in any cases wherein the latter mode of trial shall not appear to be indispensably necessary.

The Governor-General in Council not precluded by this Regulation from causing persons charged with any of the offences described in it, to be brought to trial before the ordinary Courts of justice, or before any Special Court.

Reg. XI. 1804.

A.D. 1804. REGULATION XI.

A REGULATION *for rescinding Regulation XXXVIII.* 1803, *and for providing Rules for the Collection of the Government Customs in the Provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier, and in the conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, including the Territory in Bundlecund, ceded to the Honourable the English East-India Company by the Peishwa:* PASSED *by the Governor-General in Council, on the* 14*th December*, 1804.

[Rescinded by Clause First, Section II. Regulation IX. 1810.]

Reg. I. 1805.

A.D. 1805. REGULATION I.*

A REGULATION *for empowering the Court of Sudder Dewanny Adawlut to hear and determine Appeals from the Decisions of the Courts of Civil Justice established under the Authority of the British Government at Chandernagore and Chinsurah:* PASSED *by the Governor-General in Council, on the* 14*th of February*, 1805.

* The provisions of this Regulation have ceased to be in force since the settlements of Chandernagore and Chinsurah were restored to the Governments of France and the Netherlands respectively. Chinsurah was subsequently ceded in perpetuity to the British Government, by treaty dated 17th March, 1824, and was annexed to zillah Hooghly by Reg. XVIII. 1825.

Reg. II. 1805.

A.D. 1805. REGULATION II.

A REGULATION *to explain the existing Limitations of Time for the Cognizance of Suits in the Civil Courts of Justice; to provide further Limitations with respect to certain Suits, regular and summary; and to make othr Provisions relative to the Admission and Trial of original Suits, and of Appeals:* PASSED *by the Governor-General in Council, on the* 18*th of February*, 1805.

I. BY Section XIV. Regulation III. 1793, the Zillah and City Courts are prohibited from "hearing, trying, or determining the merits of any

suit whatever against any person or persons, if the cause of action shall have arisen previous to the 12th August, 1765," (the date of the Company's accession to the dewanny of the provinces of Bengal, Behar, and Orissa); "or any suit whatever against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it; unless the complainant can show, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand or promised to pay the money" (within the last twelve years, so as to constitute a new ground of action within the limited period), "or that he directly preferred his claim within twelve years" (after the origin of the cause of action), "for the matters in dispute, to a court of competent jurisdiction to try the demand; and shall assign satisfactory reasons to the court why he did not proceed in the suit; or shall prove that, either from minority or other good and sufficient cause, he had been precluded from obtaining redress:" the same prohibitions have been extended to the province of Benares by Section VIII. Regulation VII. 1795, with certain exceptions specified in that section, and with the substitution of the date of 1st July, 1775 (being the date of the cession of that province to the Company), beyond which no retrospective claims are judicially cognizable therein; except those of dispossessed zemindars, in certain cases, under a provision made with the concurrence of the Rajah of Benares, as stated in Clause Fifth of Section III. Regulation I. 1795. By Clause First of Section XVIII. Regulation II. 1803, the Courts of Adawlut which have been recently established in the provinces ceded by the Nawaub Vizier to the Company, on the 10th November, 1801, "are prohibited from hearing, trying, or determining any civil suit whatever, if the cause of action shall have arisen at a period being twelve years antecedent to the date on which the petition for the institution of such suit shall be presented to the court." But this rule, which is explained and restricted by Clause Second of the above section, is to remain in force only until the period of twelve years shall have elapsed from the date of the cession of the said provinces, after which, by Clause Third of the section above mentioned, the same rules of limitation have been prescribed for the ceded provinces as in the other provinces; with the substitution of the 10th day of November, 1801, as the limit of judicial cognizance in the ceded territory after twelve years from that date. The period of twelve years, adopted in all these provisions, appears to have been established when the administration of civil justice was first committed to the servants of the Company, on the institution of Courts of Dewanny Adawlut in the year 1772: and in the plan for the administration of justice then proposed by the Committee of Circuit (which was adopted by Government on the 21st August, 1772), it is remarked, that "by the Mahomedan law, all claims which have lain dormant for twelve years, whether for land or money, are invalid: this also is the law of the Hindoos, and the legal practice of the country." This observation does not appear to be correct with respect to the Hindoo and Mahomedan laws, though it may have been so with regard to the legal practice of the country; and whether previously established or not, the rule having now been in force above thirty years, it would be improper to abrogate it. The declared grounds, however, on which this limitation was introduced, viz. "the litigiousness and perseverance of the natives of this

country in their suits and complaints, often productive not only of inconvenience and vexation to their adversaries, but also of endless expense and actual oppression," are not applicable to suits for the recovery of the public rights and dues which may be instituted on the part of Government, under the provisions made by the Regulations for subjecting the public claims and interests to the cognizance and decision of the established courts of justice. For such suits and claims, the unlimited time heretofore allowed by the laws of England (as by those of the Hindoos) has been latterly restricted to a period of sixty years, being the largest period fixed for the judicial cognizance of the claims of individuals in particular cases. This period is recognised by the provisions of the Hindoo law in regard to individuals, and is not incompatible with those of the Mahomedan law. Under the former, it is applied to private rights and claims in cases of unmolested possession, unless there be proof of a bad title; and the distinction between bonâ fide possession, under a title believed by the possessor to be good and sufficient, and malâ fide possession, obtained by fraud or violence, has been taken in the Hindoo law, as in the laws of other countries, wherein long and peaceable possession is held and admitted to establish a right of possession and property, or at least to bar any legal claim of redress against the possessor. The period of time required to establish a right of usucaption and prescription has been different, under different legal provisions; and being arbitrary, the Governor-General in Council does not judge it necessary to alter the period which has been so long established in these provinces, under certain exceptions and provisions for minority, and other good and sufficient cause of delay in the judicial prosecution of demands of right beyond that period. But it is proper that the limitation of twelve years (with such exceptions and provisions) should be restricted, in cases of land, houses, or other permanent immovable property, to possession under a just and honest title, and that a longer period should be allowed for the cognizance of claims of right to such property, if the claimant can show, by sufficient proof, that the person in possession acquired the same by violence, fraud, or by any other unjust and dishonest means; or that the property claimed was so acquired by any other person, from whom the actual occupant has derived his title, and has not been subsequently held under a just and honest title during the fixed period of prescription for bonâ fide possession. It is further requisite that a limitation of time should be fixed for the delivery of applications to the courts of justice to obtain the summary inquiry and process, which has been authorized by the Regulations, in cases of arrears of rent due to proprietors and farmers of land from their under-tenants, of forcible dispossession from land, crops, or other property, and of the unlicensed sale or manufacture of intoxicating liquors or drugs, for which a penalty is recoverable by summary process in the Civil Courts, as well as in other instances wherein a summary process is authorized by the Regulations, or penalties or penal damages are sanctioned by them, and declared to be recoverable by judicial process. Moreover, the limitation of time for preferring appeals to the several Courts of Judicature possessing appellate jurisdiction has been found in some instances too short, from unavoidable delay in delivering copies of the decrees given against parties not personally present; and in cases wherein Government has been a party, from the further delay that has occurred in

the transmission of a copy of the decree, through the usual official channel, to the Governor-General in Council, whereby the public rights and interests have been liable to suffer injury. To provide, therefore, more effectually for securing the rights of the public and of individuals, in the several cases herein recited, as well as to make further provision for the due administration of justice in other cases connected therewith, as hereinafter specified, his Excellency the Most Noble the Governor-General in Council has enacted the following Regulation, to be in force, as soon as promulgated, in the provinces of Bengal, Behar, Orissa, and Benares, and in the provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier.

Limitation of twelve years for commencement of civil suits, prescribed by existing Regulations, not applicable to any public claims instituted on the part of Government, by persons duly authorized.

II. *First.* The limitation of twelve years for the commencement of civil suits, under certain provisions and exceptions, which, in pursuance of former rules and practice, has been continued and prescribed by Section XIV. Regulation III. 1793, Section VIII. Regulation VII. 1795, and Section XVIII. Regulation II. 1803, shall not be considered applicable to any suits for the recovery of the public revenue, or for any public right or claim whatever, which may be instituted by or in behalf of Government with the sanction of the Governor-General in Council, or by direction of any public officer or officers who may be duly authorized to prosecute the same on the part of Government.

All claims on the part of Government, for the cognizance of which no special rule may be in force, declared cognizable under the Regulations, if duly preferred within sixty years from the origin of the cause of action;

Second. All claims on the part of Government, whether for the assessment of land held exempt from the public revenue without legal and sufficient title to such exemption, or for the recovery of arrears of the public assessment, or for any other public right whatever (the judicial cognizance of which may not have been otherwise limited by some special rule or provision in force), shall be heard, tried, and determined in the several courts of civil justice to which the cognizance thereof may properly belong, under the general Regulations which have been or may be hereafter enacted, if the same be regularly and duly preferred at any time within the period of sixty years from and after the origin of the cause of action: provided that such cause of action shall not have originated within the provinces of Bengal, Behar, and Orissa, before the 12th August, A.C. 1765, or within the province of Benares, before the 1st July, A.C. 1775, or within the provinces ceded by the Nawaub Vizier, before the 10th November, A.C. 1801, being the periods of the Company's accession to the civil government of the above provinces respectively.

provided the cause of action shall not have arisen before the period of the Company's accession to the civil government of the several provinces specified.

Limitation of twelve years also declared not applicable to private claims of right to immovable property, if the person in possession shall have acquired possession by violence, fraud, or other unjust, dishonest means.

Or if the person from whom the actual occupant derived his title shall have acquired possession by such means, and the property may not have been subse-

III. *First.* The limitation of twelve years, fixed by Section XIV. Regulation III. 1793, Section VIII. Regulation VII. 1795, and Section XVIII. Regulation II. 1803, shall also not be considered applicable to any private claims of right to lands, houses, or other permanent immovable property, if the person or persons in possession of such property, when the claim of right thereto may be preferred in a competent Court of Judicature, shall have acquired possession thereof by violence, fraud, or by any other unjust, dishonest means whatever; or if such property shall have been so acquired by any other person or persons from whom the actual occupant or occupants may have derived his or their title, and shall not have been subsequently held under a just and honest title (such as inheritance, purchase, fair donation, or any other fair title believed to

quently held under a fair title believed to convey right, for twelve years.

Provided that such violent, fraudulent, unjust, or dishonest acquisition be established.

have conveyed a right of possession and property), during a period of twelve years antecedent to the time of preferring a claim of right thereto in a competent court: provided that such violent, fraudulent, unjust, or dishonest acquisition, be established to the satisfaction of the court in which the claim may be preferred: or if the suit be appealable, to the satisfaction of the proper Court of Appeal.

Mode of proceeding to be observed in the cases provided for by the preceding clause.

Second. In all such cases, viz. when the original cause of action may have arisen more than twelve years before the institution of the suit, and the claim may not be cognizable under the exceptions and provisions contained in the Regulations and sections above cited, but may be nevertheless cognizable under the provision made by the preceding clause, from the defendant's having acquired possession of the claimed property by violence, fraud, or other unjust and dishonest means, or from the property, after being so acquired by any other person, not having been subsequently held by the present occupant and his predecessors under a just and honest title during the prescribed period of twelve years, the plaintiff shall set forth the same distinctly, either in his petition of plaint, or in his replication. The court, after taking the answer and rejoinder of the defendant, shall, if the alleged unjust and dishonest acquisition be denied by the defendant, examine any evidence that may be adduced by the plaintiff in proof of his allegation, as well as any evidence that may be brought by the defendant to prove his just and honest acquisition of the property claimed, or the just and honest possession thereof by himself and his predecessors during more than twelve years, after which the court shall determine whether the suit in question be cognizable under the present rule and section, or otherwise; and if such determination be in favour of the plaintiff, or, in appealed cases, if a determination for the cognizance of the suit be passed by the Court of Appeal, the merits of the plaintiff's claim of right shall be heard, tried, and determined, notwithstanding the lapse of time, in like manner as if the claim had been regularly preferred within twelve years after the origin of the cause of action.

Plaintiff to set forth the circumstances of unjust or dishonest acquisition in his plaint or replication

Evidence to be taken from both parties, if the allegation be denied by the defendant

Determination to be passed by the original court, and by the Court of Appeal in appealed cases

And claim of right, if declared cognizable, to be tried and determined, as if preferred within twelve years after the origin of the cause of action.

Third. Provided, that nothing in the preceding clause of this section, or in any part of the existing Regulations, shall be held to authorize the cognizance of any suit whatever in any court of justice, if the cause of action shall have arisen sixty years before the institution of such suit; nor shall any plea on the part of the plaintiff for the non-prosecution of his claim of right during a period of sixty years after the origin of his alleged cause of action, nor any original defect of title on the part of the possessor of the property claimed after the lapse of such period, be deemed a sufficient ground for taking judicial cognizance of any suit so preferred. Moreover, although the property claimed may have been acquired by an insufficient title within the period of sixty years, hereby fixed as the utmost limit for the cognizance of any claims in the established courts of justice, if the property so acquired shall have descended by inheritance to the person in possession when the claim thereto may be preferred after a lapse of twelve years, or if such person shall have obtained just and honest possession thereof by purchase, fair donation, or by any other title believed to be just and valid, and not appearing to be in any respect collusive for the purpose of depriving the plaintiff of his right, and either such occupant himself, or any other person in his behalf, or from whom the property may have been obtained under any of the titles aforesaid, or the whole in suc-

No suit whatever to be held cognizable in any court of justice, if the cause of action shall have arisen sixty years before the institution of it.

Clauses First and Second of this section further declared inapplicable to any private claims to property acquired by an insufficient title within sixty years, if held by the actual occupant, or in his behalf, or by the persons from whom he may have obtained it, without molestation and under a title believed to be just and valid, during twelve years an-

cession shall have held quiet and unmolested possession, under a title believed to be just and valid, during a period of twelve years antecedent to the time of a claim thereto being preferred in a competent court, the provisions made by Clauses First and Second of this section shall not be considered applicable to any private claims to property so circumstanced, which are therefore to be deemed inadmissible, as heretofore, after twelve years from the origin of the cause of action, unless the same be cognizable under the exceptions and provisions already in force.

antecedent to the institution of the suit.

Provisions already in force, as stated in Clause Second of this section, applicable to all such cases.

Fourth. Provided further, that no length of time shall be considered to establish a prescriptive right of property, or to bar the cognizance of a suit for the recovery of property, in cases of mortgage or deposit, wherein the occupant of the land or other property may have acquired, or held possession thereof as mortgagee, or depositary only, without any proprietary right; nor in any other case whatever wherein the possession of the actual occupant, or of those from whom his occupancy may have been derived, shall not have been under a title bonâ fide believed to have conveyed a right of property to the possessor.

Further provision for cases of mortgage and deposit.

No length of time to bar the cognizance of suits for the recovery of property in such cases.

Nor in any case wherein the possession shall not have been under a title believed to have conveyed a right of property to the possessor.

See note to Sec. xv. Reg. VII. 1799.

IV. *First.* The provisions contained in Section XV. Regulation VII. 1799, Section XIV. Regulation V. 1800, and Section XXXII. Regulation XXVIII. 1803, for the arrest of defaulting under-tenants and their sureties from whom arrears of rent may be due to proprietors and farmers of land, and for a summary inquiry *to be made by the judges of the Zillah and City Courts* when the parties so arrested for arrears of rent may be brought before them, are, from the terms and objects of such provisions, evidently intended to be applicable only to recent arrears of rent due in the course of the current year or immediately after the close of it; and it is hereby declared, that the summary inquiry and process authorized by the above Regulations shall not be applied to any arrear of rent, or other demand which may have been due more than a complete year before the delivery of the petition of arrest and application for such summary inquiry and process, as directed by the Regulations above cited. Provided, however, that this restriction shall not be considered to preclude the judges of the Zillah and City Courts (*of their registers*, or the collectors, to whom such inquiry may be committed by them) from including in the adjustment of recent arrears, in such cases, any arrear which may be found due beyond the period of one year, if the same shall appear equitable.

Explanation of provisions in existing Regulations for summary process to recover arrears of rent.

Applicable to recent arrears of rent only; and not to be applied to any demands due for more than a complete year before the application for such process.

But judges, *registers*, and collectors, in the adjustment of arrears, in such cases, may include arrears due for more than one year, if it appear equitable.

Second. The rule of limitation prescribed by the above clause is also hereby extended to applications for summary process by landholders and farmers, against their agents employed in the management of their estates and farms, or in the collection of their rents, under the provisions made by Section XX. Regulation VII. 1799, Section XIX. Regulation V. 1800, and Section XXXVII. Regulation XXVIII. 1803, which authorize such process for the arrest and imprisonment of the agents of landholders and farmers, whilst in their service, or immediately after the resignation or dismission of agents of the above description, on account of demands for money in their hands, or for accounts which they may refuse to render, or for any matter relating to the discharge of their respective trusts.

Limitation in above clause extended to applications for summary process by landholders and farmers, against their agents, under existing Regulations.

V. [Limitation of the period for proceedings under Regulation XLIX. 1793.]—*Repealed by Section II. Act IV.* 1840.

All suits, complaints, and informations, for fines or penalties, receivable by Government or by the informer under the Regulations, for the recovery of which no specific period may have been fixed, to be preferred within one year after the act for which the fine or penalty may be demandable.

No such suit, complaint, or information, to be admitted after the prescribed period; unless prosecuted on the part of Government, and sufficient cause be assigned for the delay.

VI. All suits, complaints, and informations, cognizable by the Civil Courts of Judicature, for the recovery of any fine or penalty receivable by Government or by the informer, on account of the unlicensed manufacture or sale of intoxicating liquors or drugs, the illicit manufacture or sale of salt or opium, the fraudulent evasion of the stamp duties prescribed by the Regulations, or on account of any other fines or penalties recoverable, either by a regular suit or by summary process, in the Courts of Dewanny Adawlut, under any Regulation in force which may not have fixed a specific period for the recovery thereof, shall be preferred to the proper courts, in such manner as the Regulations require, within one year after the act for which the fine or penalty may be demandable shall have been committed; and no such suit, complaint, or information (not otherwise specially provided for), shall be admitted and proceeded upon in any court of justice after the period prescribed, unless the same be prosecuted on the part of Government, and good and sufficient cause be assigned why it has not been brought forward to judicial cognizance within one year after the commission of the act whereupon the fine or penalty sued for is demandable.

Suits and complaints for penal damages allowed by the Regulations to individuals, and for the recovery of which no specific period may have been fixed, to be also preferred within one year after the cause of action shall have arisen, or as soon afterwards as possible.

No such suit or complaint to be received after one year, without sufficient cause why it was not prosecuted at an earlier period.

But this restriction is not applicable to any suits for the recovery of property or the value of property, appertaining to the plaintiff; or to suits for compensation or indemnification on account of damage to, or loss of property. The general rules of limitation, as in other suits for recovery of private rights, to be applied in such cases.

VII. All suits and complaints for penal damages (viz. for pecuniary penalties on account of any act or omission, in opposition to the laws and Regulations, exclusive of a compensation for actual losses), in cases wherein such damages are allowed by the Regulations to individuals, and for the recovery of which by judicial process no specific period may have been fixed, are also required to be preferred to the proper courts of justice within one year after the cause of action shall have arisen, or as soon afterwards as it may be in the power of the party aggrieved to prefer the same; and no such suit or complaint shall be received and proceeded upon in any court of justice, after the expiration of one year from the time when the alleged cause of action may have arisen, without good and sufficient cause being assigned why the same has not been judicially prosecuted at an earlier period: Provided, that this restriction be understood to be strictly applicable to claims to penal damages only (as above described), and be not considered applicable to any suits for the recovery of the property, or for the value of property, appertaining to the plaintiff; or for a compensation or indemnification on account of any damage to, or loss of property actually sustained by the plaintiff; in all which cases the general rules of limitation are to be applied, as in other suits of individuals for the recovery of their rights in the Civil Courts.

Periods for preferring appeals limited by the existing Regulations to be calculated from the delivery or tender of the decree appealed from, to the appellant or his vakeel, as directed by the Regulations.

VIII. The copies of decrees passed by the Civil Courts of Justice not being always prepared in time to be delivered or tendered in open court to the parties or their vakeels, within ten days after passing the decree, as directed in Section XXVI. Regulation IV. 1793 (extended to Benares by Regulation VIII. 1795), and in Section XXVII. Regulation III. 1803 (for the ceded provinces), and such delivery or tender of the decrees of the Zillah Courts being sometimes delayed, from unavoidable causes, till nearly, or even until after, the expiration of the period limited for appeals, whereby the parties who may not be present when judgments are passed against them in the Civil Courts are precluded from having the proper means of

determining whether to appeal from such judgments or otherwise; it is hereby provided, that the period of three months, which is limited by the existing Regulations for appeals from the decisions of the Zillah and City Courts *to the Provincial Courts of Appeal, and from the decisions of the latter courts* to the Court of Sudder Dewanny Adawlut, as well as the period of one month limited for appeals from the decisions of the *registers and native commissioners* to the judges of the Zillah and City Courts, and the period of six months limited for receiving appeals from the judgments of the Courts of Sudder Dewanny Adawlut to *his* Majesty in Council, shall be calculated, respectively, from the date on which a copy of the decree appealed from may have been delivered, or tendered in open court, to the appellant or his vakeel, as directed by the Regulations above mentioned; or in the event of neither the party or his vakeel being present to receive a copy of the decree when ready to be delivered to him, the calculation shall be from the date on which the cause of the non-delivery of the decree may be noted upon the copy prepared for delivery, under the official signature of the judge, *register, or native commissioner,* as provided for by the Regulations in such cases. The rule prescribed to the judges *and registers* of the Zillah and City Courts, for endorsing on the copies of decrees delivered or tendered by them, as well as inserting in their records, the date of delivering or tendering such copies, is also to be carefully observed by the *native commissioners,* that the exact period of such deliveries or tenders may be at all times ascertainable; and the judges are to communicate this rule to the *native commissioners* within their respective jurisdictions, for their information and guidance.

Modified by Cl. 10, Sec. viii. Reg XXVI. 1814, and see Reg. VII. 1832, Act XXV. 1837, and Act IV. 1850.

Rule prescribed to the zillah judges *and registers* for endorsing and recording the date of delivering or tendering copies of decrees, to be also carefully observed by the *native commissioners*

IX. In all original suits or appeals wherein Government may be one of the parties, the court which may pass judgment, whether for or against Government, shall, in addition to the copies of decrees required by the existing Regulations to be delivered to the parties, transmit a copy of the decree, as soon as the same can be prepared, to the secretary to the Government in the judicial department, for the information of the Governor-General in Council. Such copies of decrees are not required to be upon stamped paper; but are to be duly authenticated by the official seal and signature of the judges by whom the same may have been passed, and are to be accompanied with an English translation.

In suits and appeals wherein Government may be one of the parties, a copy of the decree to be sent, as soon as it can be prepared, to the secretary to Government in the judicial department.

Such copies of decrees not required to be upon stamped paper, but to be duly authenticated, and accompanied with translations.

X. [Rule respecting special appeals to the Sudder and Provincial Courts.]—*Superseded by the provisions of Act III.* 1843.

XI. [Rule for the admission of special appeals by the Provincial Courts.]—*Rescinded by Clause First, Section III. Regulation XXVI.* 1814.

XII. [Option of presenting petition of appeal to the Sudder Dewanny Adawlut and Provincial Court, instead of to the court appealed from.]—*Superseded by the abolition of the Provincial Court, and by Act IV.* 1850, *as regards the Sudder Dewanny Adawlut.*

XIII. [Summary suits for arrears of rent referable by the judges to the registers.]—*Rescinded by Section II. Regulation VIII.* 1831.

XIV. [Judicial powers of registers.]—*Superseded by the abolition of the office of zillah register by Section XXIX. Regulation V.* 1831.

Reg. III. 1805

A.D. 1805. REGULATION III.

A REGULATION *to make further Provision for the exemplary Punishment of Robbery by open Violence:* PASSED *by the Governor-General in Council, on the 28th March,* 1805.

I. THE crime of robbery by open violence has been fully defined by Clause First of Section III. Regulation LIII. 1803; and the several clauses of Section IV. of that Regulation have declared the punishment to be adjudged by the Criminal Courts of Judicature upon convictions of that offence, with or without homicide, wounding, maiming, or other personal injuries, or any other circumstances of aggravation. It has since appeared that the object of the last-mentioned section would be further promoted by the addition of exemplary corporal punishment (which formerly constituted part of the usual punishment for robbery in almost all cases short of death) to the penalties for this crime which have been prescribed by Clauses Second, Third, and Fourth of that Section. Instances have also occurred in which the village watchmen, who are bound by the existing Regulations to assist the police officers in protecting the inhabitants of the country and their property from robbery, have been found to be concerned in the perpetration of this crime: and strong grounds of suspicion have appeared, that even some of the public officers upon the police establishments have connived at the commission of robbery, or at the escape of persons residing within their jurisdictions, who, from information or notoriety, were known to be robbers. The highly criminal and dangerous violation of duty, in all such cases, requires that the offenders should be subjected to more exemplary punishment, proportioned to their aggravated criminality and its danger to the community. His Excellency the Most Noble the Governor-General in Council has accordingly enacted the following rules, to be in force from the time of their promulgation in the provinces of Bengal, Behar, Orissa, and Benares, and in the ceded provinces, to which Regulation LIII. 1803, has been extended; also in the conquered provinces, from the time of promulgating the extension of this Regulation thereto.

II. III. [Corporal punishment may be superadded to other inflictions.] —*Rescinded by Section II. Regulation II.* 1834.

Any village watchman or guard of whatever denomination, as well as any police officer of whatever description, convicted of robbery by open violence, and not liable to suffer death under

IV. If any pyke, chokeedar, pasban, dosaad, nigabaan, or other village watchman or guard, of whatever denomination, entertained or employed by a landholder or by any other person for the protection of villages, houses, persons, or property, and consequently required by the Regulations to assist the police officers in preventing robbery and other crimes and in apprehending offenders; or if any police officer of whatever description

(whether a police darogah or tehseeldar intrusted with the charge of the police, a city or town cutwal, or a jemadar, mohrir, burkundoss, piadah, or other person employed, under the zillah and city magistrates, the police darogahs *and tehseeldars*, or under any other officers of the police, for the protection of the inhabitants of the country and their property from robbery, or for apprehending robbers and other criminals, or generally for the performance of any duty of police connected with the prevention of public offences) shall be convicted of the crime of robbery by open violence, as defined in Clause First of Section III. Regulation LIII. 1803, whether such conviction be founded upon the free and voluntary confession of the prisoner, or upon the testimony of credible witnesses, or upon strong circumstantial evidence, and the party so convicted shall not be liable to suffer death, under Clause First of Section IV. Regulation LIII. 1803, as an accomplice in murder as well as robbery, it is hereby declared, that he shall be held and expressly deemed to be within the provisions contained in Clauses Second and Third of that Regulation, whereby the Nizamut Adawlut are authorized to pass sentence of death in cases of aggravated criminality which may appear to deserve it, although the robbery may not have been attended with actual homicide, or where the robbery may have been without any personal injury or other act of aggravation, to extend the sentence of that court from imprisonment and hard labour for fourteen years, to imprisonment and transportation for life, if on consideration of any circumstances appearing upon the trial to aggravate the guilt of any particular prisoner, the infliction of such more severe punishment shall appear just and necessary. Under this declaration, any watchman, guard, or police officer, as described in the present section, who may be convicted of having been present, aiding and abetting, at a robbery by open violence, or at an attempt to commit such robbery; or though not present, of having procured and caused by hire, counsel, or command, the perpetration of such robbery or attempt to rob, will be liable to suffer death, on the sentence of the Court of Nizamut Adawlut, according to the Regulations, if in the prosecution of such robbery or attempt to rob, any person shall be murdered, wounded, maimed, burnt, or subjected to other personal injury, torture, or cruelty, or any dwelling-house shall be set on fire or other criminal and aggravating act committed; or will be liable to a sentence of *corporal punishment and* imprisonment and transportation for life, by the Court of Nizamut Adawlut, if the prosecution of such robbery, or attempt to rob, shall not have been attended with homicide, personal injury, or any of the other aggravating acts above specified. It is hereby further declared, that any clear and direct connivance on the part of a watchman, guard, or police officer, as described in this section, whereby a gang of robbers may have been enabled to commit any of the crimes above stated, shall, if duly established, subject the offender to the same penalty as he would have been liable to if actually present, aiding and abetting; or, though not present, if he had procured and caused the perpetration of the offence by hire, counsel, or command.

Clause First of Sec. iv. Reg. LIII. 1803, declared liable to the punishment for aggravated criminality provided for by Clauses Second and Third of that section.

Punishment to which watchmen, guards, or police officers so convicted, will consequently be liable, if in the prosecution of robbery, or attempt to rob, any person shall be murdered, wounded, maimed, burnt, or subjected to other personal injury, torture, or cruelty, or if a dwelling-house shall be set on fire, or other criminal and aggravated act committed.

Or if the prosecution of the robbery, or attempt to rob, shall not have been attended with homicide, personal injury, or any of the other aggravating acts above specified.

Any clear and direct connivance, on the part of a watchman, guard, or police officer, whereby a gang of robbers may have been enabled to commit any of the crimes stated, declared liable to the same penalty as if the offender had been present, aiding and abetting, or had caused the perpetration of the offence by hire, counsel, or command.

See Sec. ii. Reg. II. 1834.

V. If any watchman, guard, or police officer, as described in the preceding section, shall be convicted of going forth with a gang of robbers for the purpose of committing robbery, or of conniving at the going forth of a gang of robbers for such purpose, but he or they may be apprehended

See Sec. ii. Reg. II. 1834.

A watchman, guard, or police officer, convicted of going forth with a gang of robbers to commit robbery, or of conniving at the

going forth of a gang of robbers for such purpose, but apprehended before the commission of robbery or any violent attempt for the purpose, declared liable to corporal punishment, and imprisonment not exceeding fourteen years, by sentence of a *Court of Circuit;* or in cases requiring more exemplary punishment, to corporal punishment and imprisonment, with transportation for life, by sentence of Nizamut Adawlut.

before they have committed robbery or made any violent attempt for the purpose, the watchman, guard, or police officer so convicted shall be liable to *corporal punishment and* imprisonment, with hard labour, for such period, not exceeding fourteen years, as the circumstances of the case may, in the judgment of the *Court of Circuit* before whom he is convicted, appear to merit; or if that court shall, in any particular case, deem the prisoner deserving of more exemplary punishment, they shall refer the trial to the Court of Nizamut Adawlut, who are authorized, if sufficient ground appear, to extend the sentence to *corporal punishment and* imprisonment, with transportation for life.

Explanation contained in Sec. v. Reg. LIII. 1803, applicable to provisions in the present Regulation.

But any police officer, guard, or watchman, convicted of theft or of larceny and burglary, though without open violence, or of clear and direct connivance at the perpetration of such crime declared liable to such aggravation of punishment, as the *Courts of Circuit*, or the Nizamut Adawlut in cases referable to that court, shall deem adequate to the offence, not exceeding the limitations prescribed by Clause Seventh of Sec. ii. and Clause Third of Sec. vii. Reg. LIII. 1803.

VI. The explanation contained in the *two clauses** of Section V. Regulation LIII. 1803, respecting the distinction to be observed in cases of secret theft or larceny without open violence, and of criminal acts of violence done in prosecution of the original intention to commit theft, shall be applied, in like manner, to the several provisions contained in the present Regulation. But if any police officer, or any guard or watchman bound to assist the officers of police, as described in Section IV. of this Regulation, shall be convicted of theft, or of larceny and burglary,† though without any act of open violence, or of clear and direct connivance at the perpetration of such crime, he shall be liable to suffer such aggravation of punishment as the *Court of Circuit* before whom he may be convicted, or the Nizamut Adawlut if the case be referable to that court, shall deem adequate to his offence, not exceeding the limitations prescribed by Clause Seventh of Section II. and Clause Third of Section VII. Regulation LIII. 1803, for cases not specifically provided for by the Regulations, or by any stated penalty in the Mahomedan law.

VII. [Promulgation of the Regulation on its receipt.]—*Extinct.*

* The Second Clause was rescinded by Clause 1, Sec. viii. Reg. XVII. 1817.

† Modified in respect of burglary by Clause 1, Sec. ii. Reg. I. 1811.

Reg. IV. 1805.

A.D. 1805. REGULATION IV.*

A REGULATION *for extending to the Province of Benares Regulation XXXI.* 1793, *entitled "A Regulation for re-enacting, with Modifications and Amendments, the Rules passed on the* 23*rd of July,* 1787, *and subsequent Dates, for the Conduct of the Commercial Residents and Agents, and all Persons employed or concerned in the Provision of the Company's Investment," and also for exempting from Duty all Goods and Articles provided in the Province of Benares, on Account of the Investment of the Honourable East-India Company:* PASSED *by the Governor-General in Council, on the* 25*th of April,* 1805.

* The commercial branch of the East-India Company's service having ceased to exist in virtue of the Act 3 & 4 William IV. cap. 85, this Regulation became inoperative.

A.D. 1805. REGULATION V.

Reg. V. 1805.

A REGULATION *for forming the Settlement of the Land Revenue of the Provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier, for the Years* 1213, 1214, *and* 1215, *of the Fussily Era:* PASSED *by the Governor-General in Council, on the* 22*nd of April,* 1805.

I. WHEREAS it is prescribed in the second article of the proclamation published by the Honourable the late Lieutenant-Governor and the Board of Commissioners for the affairs of the provinces ceded by his Excellency the Nawaub Vizier to the Honourable the English East-India Company (the rules contained in which proclamation have been confirmed, with certain modifications, by Section XXIX. Regulation XXV. and Section LIII. Regulation XXVII. 1803), that the second triennial settlement of the land revenue in those provinces, commencing with the year 1213 of the Fussily era, shall be concluded with an increase, to be calculated in the proportion of two-thirds of the difference between the annual amount of the first triennial settlement concluded for the years 1210, 1211, and 1212, and the actual yearly produce of the land at the period of the expiration of the said settlement: And whereas the severe drought which generally prevailed in the ceded provinces in the year 1211 has subjected the landholders and farmers, and cultivators of land, in the said provinces, to considerable losses, and consequently deprived them of the means of extending the cultivation of their lands in a degree sufficient to afford a reasonable expectation that the produce of the lands will be adequate to the payment of the aforesaid increase on the jumma of the first triennial settlement: And whereas the demand of the said increase, under such circumstances, might expose the landholders and cultivators to distress, and might prove injurious to the agriculture and commerce of the country in general, and ultimately to the interest of the Government: And whereas the Governor-General in Council is at all times desirous of manifesting to the inhabitants of the ceded provinces the solicitude of the British Government for the advancement of their happiness and welfare, the following rules have been enacted.

Rules contained in the second article of the proclamation, published under date the 14th July, 1802, for the formation of the second triennial settlement of the revenue in the ceded provinces, commencing with the year 1213 F. S. rescinded.

II. The rules contained in the second article of the proclamation published by the Honourable the late Lieutenant-Governor and the Board of Commissioners for the affairs of the provinces ceded by the Nawaub Vizier to the English East-India Company, under date the 14th of July, 1802 (and confirmed, with certain modifications, by Section XXIX. Regulation XXV. and Section LIII. Regulation XXVII. 1803), which direct that the second triennial settlement of the land revenue ordered to be concluded in those provinces, and commencing with the year 1213 of the Fussily era, shall be increased in the proportion of two-thirds of the difference between the annual amount of the first triennial settlement concluded for the years 1210, 1211, and 1212, and the actual yearly produce

of the land at the period of the expiration of the said settlement, are hereby rescinded; and the following rules are prescribed for concluding the ensuing triennial settlement of the land revenue in the ceded provinces for the years 1213, 1214, and 1215, of the Fussily era.

The following rules prescribed for concluding the ensuing settlement, commencing with the year 1213 F. S.

The settlement for the years 1213, 1214, and 1215, to be concluded with those landholders and farmers who shall have fulfilled their engagements for the three preceding years, at the annual jumma, payable by them under the first triennial or other settlement, expiring with the year 1212 F. S.

III. In all instances (with the exceptions specified in Section VII.) in which the zemindars or other landholders, or the farmers of land, with whom the settlement was concluded for the years 1210, 1211, and 1212, Fussily, or with whom a settlement shall have been concluded at any period of time during those years, shall have fulfilled their engagements with Government, the settlement of their estates or farms for the ensuing three years 1213, 1214, and 1215, Fussily, shall be concluded with such zemindars, landholders, or farmers, at the same annual jumma as was payable by them under the first triennial or other settlement expiring with the current year 1212, Fussily.

Landholders and farmers who shall have obtained remissions, and who shall have discharged the jumma of their estates or farms, with the exception of such remissions, shall be considered to have fulfilled their engagements.

IV. All zemindars, or other landholders or farmers of land, who shall have obtained remissions from Government on account of drought or other cause, shall be considered to have fulfilled their engagements, provided they shall have discharged the whole amount of the jumma of their respective estates or farms, with the exception of the amount of such authorized remissions.

In instances in which the first triennial settlement shall have been concluded at an annual increase, the ensuing settlement shall be concluded at the jumma payable for the year 1212.

V. In instances in which the first triennial settlement for the years 1210, 1211, and 1212, Fussily, shall have been concluded at an annual increase, under the orders of the late Lieutenant-Governor and the Board of Commissioners, adverted to in Clause First, Section XXX. Regulation XXV. 1803, instead of an equal annual jumma, as prescribed by the original rules for concluding the settlement of the land revenue in the ceded provinces, the ensuing triennial settlement for the years 1213, 1214, and 1215, Fussily, shall be concluded at the jumma payable on account of the current year 1212, Fussily.

If any landholder or farmer shall decline entering into engagements for the ensuing settlement, on the terms prescribed by this Regulation, the Governor-General in Council reserves to himself the power of concluding the settlement with any other person or persons willing to enter into engagements on the prescribed terms.

VI. If any zemindar, or other landholder or farmer of land, shall decline entering into engagements for the ensuing triennial settlement on the terms prescribed by this Regulation, the Governor-General in Council reserves to himself the power of authorizing the conclusion of the settlement of the lands comprised in the estates or farms of such landholders or farmers for the years 1213, 1214, and 1215, Fussily, or for any proportion of the said period, with any other person or persons who shall be willing to enter into engagements for the payment of the revenue of the said lands.

Settlements actually concluded for any part of the years 1213, 1214, and 1215, to remain in force.

VII. Nothing contained in this Regulation shall be considered to affect any settlements which shall have been actually concluded for the whole or any part of the ensuing three years, 1213, 1214, and 1215, Fussily; neither shall any part of this Regulation be construed to preclude the operation of the rule prescribed by Section XXXIII. Regulation XXV. 1803, under which the zemindars, independent talookdars, and other actual proprietors of land whose lands have been let in farm, are entitled, at the expiration of the present triennial settlement ending with the year

The operation of Sec. xxxiii. Reg. XXV. 1803, not precluded by any part of this Regulation.

1212, Fussily, to be reinstated, under the general regulations prescribed for such cases in the management of their estates, upon their agreeing to the payment of the assessment required from them.

A.D. 1805. REGULATION VI.

Reg. VI 1805.

A REGULATION *for abolishing the Duties levied by Government on Goods and other Articles sold in the Bazars and Gunges, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, and in the conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, including the Territory in Bundlecund, ceded to the Honourable the English East-India Company by the Peishwa; and for establishing Duties on certain Articles imported into the Cities and principal Towns situated within the Provinces and Territory aforesaid, in lieu of the Duties above mentioned:* PASSED *by the Governor-General in Council, on the 27th June,* 1805.

[Rescinded by Section II. Regulation X. 1810.

A.D. 1805. REGULATION VII.

Reg VII. 1805.

A REGULATION *for empowering the Governor-General in Council to grant a temporary Exemption to covenanted Civil Servants of the Company, holding certain Offices, from the Obligations of that part of the Oath prescribed to be taken by certain Descriptions of Public Officers, which prohibits their being concerned in commercial Transactions:* PASSED *by the Governor-General in Council, on the 11th of July,* 1805.

[Extinct.]

Reg. VIII. 1805.

A.D. 1805. REGULATION VIII.

A REGULATION *for extending to the conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and to the Territory ceded to the Honourable the English East-India Company in Bundlecund by the Peishwa, such of the Laws and Regulations established for the internal Government of the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, as have not been already extended to those Territories, and for revising and amending certain Parts of the said Laws and Regulations:* PASSED *by the Governor-General in Council, on the* 11*th July*, 1805.

I. WHEREAS certain territories in the Dooab, or country situated between the rivers Ganges and Jumna and on the right bank of the river Jumna, conquered by the British arms, have been ceded to the Honourable the English East-India Company, in full sovereignty, by a treaty concluded with Dowlut Rao Scindia, bearing date the 30th day of December, 1803: And whereas certain territories, forming part of the province of Bundlecund, and situated on the right bank of the river Jumna, have been also ceded to the Honourable the English East-India Company, in full sovereignty, by the Peishwa, under an article of a treaty concluded with his Highness, bearing date the 16th day of December, 1803: And whereas, in addition to the provisions contained in Regulation IX. 1804, for the administration of justice in criminal cases in the territories aforesaid, it has been deemed to be expedient, that the remaining laws and regulations which have been established for the internal government of the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company should be extended to the said territories, with certain modifications, additions, and amendments; the following rules have been accordingly enacted.

Reg. I. 1803, extended to the conquered provinces and to the territories in Bundlecund.

II. Regulation I. 1803, is hereby extended to the conquered provinces situated within the Dooab and on the right bank of the river Jumna (with the exception of the city of Delhi, and the territory situated on the right bank of the river Jumna, the revenues of which are assigned to his Majesty Shah Alum), and to the territories ceded to the Honourable the English East-India Company in Bundlecund by the Peishwa.

The provinces and territories aforesaid to be formed into five zillahs.

How to be denominated.

III. *First.* The provinces and territories specified in the foregoing section shall be formed into five zillahs, to be denominated as follows:

The zillah of Allyghur.
The northern division of the zillah Saharunpore.
The southern division of the zillah of Saharunpore.
The zillah of Agra.
The zillah of Bundlecund.

Competent for the Governor-General in Council, by an order in council, to alter the

Second. It shall be competent for the Governor-General in Council, by an order in Council, to make any alterations in the limits of the zillahs specified in the preceding clause, or to make any annexations to the said

See Act XXI 1836.

zillahs, or separations from them, which shall hereafter appear to him to be advisable, or to form any part of the territories aforesaid into additional zillahs.

limits of zillahs, or to form new zillahs.

IV. The city of Delhi, and the conquered territory situated on the right bank of the river Jumna, the revenues of which are assigned to his Majesty Shah Alum, are hereby declared not to be subject to any of the laws or regulations of the British Government, printed and published in the manner prescribed in Regulation I. 1803.

The laws and regulations of the British Government not to extend to the city of Delhi, or to the territories the revenues of which are assigned to his Majesty Shah Alum.

V. Courts of Adawlut shall be established in the several zillahs specified in Section III. for the trial of civil suits in the first instance, to be denominated after the zillahs in which they are respectively established.

Courts of Adawlut to be established in the several zillahs specified in Sec. iii. for the trial of civil suits.

How to be denominated.

VI. *First.* Regulation II. 1803, is hereby extended to the zillahs specified in Section III.; with the exception mentioned in the following clause, and with the modifications prescribed by Clauses Third and Fourth of this section, which modifications shall be also in force in the ceded provinces. The provisions contained in Sections II. III. VI. VII. VIII. and IX. Regulation II. 1805, are also hereby extended to the zillahs specified in Section III. of this Regulation.

Reg. II. 1803, extended to the zillahs specified in Sec. iii. with certain exceptions and modifications hereafter specified.

The modifications prescribed in Cls. 3 and 4, also to be in force in the ceded aforesaid.

provinces. Certain Sections of Reg. II. 1805, also extended to the zillahs

Second. In lieu of the date prescribed by Section XVIII. Regulation II. 1803, the 30th December, 1803, in the provinces constituting the zillah of Allyghur, the northern and southern divisions of the zillah of Saharunpore, and the zillah of Agra; and the 16th of December, 1803, in the territory constituting the zillah of Bundlecund (being the dates on which the said provinces and territories were respectively ceded to the Honourable the English East-India Company), shall be considered the periods of limitation for taking cognizance of suits, subject to the several provisions contained in Section XVIII. Regulation II. 1803, and in Sections II. and III. Regulation II. 1805.

What dates to be substituted in lieu of the date prescribed by Sec. xviii. Reg. II. 1803.

Third. The Zillah Courts are prohibited from decreeing the payment or satisfaction of any sum due on a tummasook or bond which may be entered into after the promulgation of this Regulation, unless the bond shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this clause shall not extend to any bills of exchange, receipts, or notes of hand, in the determination on which the custom of the country shall be abided by.

Rules for determining the validity of bonds in the Zillah Courts.

The foregoing rules not to extend to bills of exchange, receipts, or notes of hand.

Superseded by Cl. 3, Sec. xxviii. Reg. V. 1831.

Fourth. Section XXI. Regulation II. 1803, is rescinded. *And it is hereby declared, that after the promulgation of this Regulation, an appeal shall lie to the Provincial Courts of Appeal, under the rules prescribed by Regulation IV.* 1803, *from the decisions of Courts of Adawlut of the several zillahs in the ceded and conquered provinces, in all suits or matters whatsoever, which shall be tried by the judges of those courts in the first instance, viz. without a previous trial and decision by their registers, or by any of the native commissioners appointed under Regulation XVI.* 1803.

Sec. xxi. Reg. II. 1803, rescinded.

An appeal to lie to the Courts of Appeal from the decrees of the Zillah Courts in suits tried by such courts in the first instance.

Fifth to Seventh. [Rules regarding such appeals.]—*Rescinded by Section II. Regulation XXIV.* 1814.

Eighth. [Special appeals how admissible.]—*Superseded by Act III.* 1843.

Reg. III. 1803, extended to the zillahs specified in Sec. iii. with the following exception, to be also in force in the ceded provinces.

The limitation of appeals to the Sudder Dewanny Adawlut, under Secs. xxiii. xxv. and xxvi. Reg. III. 1803, to be an amount exceeding five thousand *sicca* rupees.

VII. *First.* Regulation III. 1803, is hereby extended to the zillahs specified in Section III., with the exception contained in the following clause, which exception shall also be in force in the ceded provinces.

Second. The limitation for appeals to the Sudder Dewanny Adawlut, in the cases of resistance of process provided for by Sections XXIII. XXV. and XXVI. Regulation III. 1803, shall be any amount exceeding five thousand *sicca* rupees, as provided, in similar cases, by Sections XXIII. XXV. and XXVI. Regulation IV. 1803.

Reg. IV. 1803, extended to the zillahs specified in Sec. iii. with the provisions contained in Secs. xi. and xii. Reg. II. 1805.

VIII. *First.* Regulation IV. 1803, is hereby extended to the zillahs specified in Section III. together with the further provisions contained in Sections XI. and XII. Regulation II. 1805.

Second and Third. [Jurisdiction of the Provincial Court of Bareilly.]—*Superseded by the abolition of the Provincial Courts.*

All the public authorities to be guided in their decisions and proceedings, in all matters relating to zillah Bundlecund, by the Regulations enacted for the ceded and conquered provinces.

Fourth. The Court of Sudder Dewanny Adawlut, the *Provincial Court of Appeal for the division of Benares*, the judge and magistrate, the collector of the revenue, and all other officers in the zillah of Bundlecund, and the Boards of Revenue *and Trade*, shall be guided in their decisions and proceedings, in all matters relating to the said zillah, by the Regulations which have been or shall be enacted, and printed and published in conformity to the rules prescribed by Regulation I. 1803, for the internal government of the ceded and conquered provinces.

IX. *First.* [Following clauses to be in force in the ceded and conquered provinces.]—*Superseded.*

Second and Third. [Rules respecting special appeals and reviews of judgments.]—*The former superseded by Act III.* 1843—*the latter rescinded by Clause First, Section IV. Regulation XXVI.* 1814.

Fourth. [Rules regarding appeals then pending.]—*Extinct.*

Fifth. [Summary appeal under Section XII. Regulation IV. 1803, continued.]—*The section referred to repealed by Clause First, Section III. Regulation XXVI.* 1814.

Sixth. [Rules for the conduct of summary appeals.]—*Superseded by Section III. Regulation XXVI.* 1814.

Reg. V. 1803, extended to the zillahs specified in Sec. iii. *with the provisions contained in Sec. x. Reg. II.* 1805.

X. Regulation V. 1803, is hereby extended to the zillahs specified in Section III.; *together with the further provisions contained in Section X. Regulation II.* 1805. Superseded.

XI. XII. [Appointment, powers, and duties of assistant judges.]—*Rescinded by Section II. Regulation XXIV.* 1814.

The *Provincial Courts of Appeal and* Zillah Civil Courts to be annually adjourned during

See Sec. x. Reg. I. 1806.

XIII. The *Provincial Courts of Appeal, and* Zillah Civil Courts, shall be annually adjourned during the Hindoo festival called Dussarah, which occurs in the month of Assin or Kartick, corresponding with the English

month September or October; and also during the Mahomedan festival of the Mohurrum, which depending on the lunar year, is not fixed to any particular month. The former adjournment (or Dussarah vacation) shall commence ten days before this festival, and continue for the period of one month of thirty days. The latter adjournment (or Mohurrum vacation) shall commence on the first day of the month of Mohurrum, and continue for fifteen days. Under this rule, when the time of the two festivals may coincide, the vacations also will of course be blended, and no separate adjournment will be necessary; except as far as the fixed period for the one year may extend beyond that of the other, as when part of the Mohurrum vacation only falls within the period fixed for the Dussarah vacation; or, on the other hand, when part of the latter only may fall within the period of the former.

the Dussarah and Mohurrum festivals, and for what periods. [*III.* 1796, *ii.*]

XIV. *First.* Regulations VI. VII. VIII. XX. XXXV. and LIII. 1803, and Regulation III. 1804, have been already extended to the zillahs specified in Section III. by Regulation IX. 1804. Regulation III. 1805, is also hereby declared to extend to the said zillahs: and the following further provisions are enacted, to be in force in the ceded and conquered provinces.

Regs. VI. VII. VIII. XX. XXXV. and LIII. 1803, and Reg. III. 1804, already extended to the conquered provinces by Reg. IX. 1804. Reg. III. 1805, extended to the zillahs specified in Sec. iii.

Second, Third, and Fourth. [Order in which the Courts of Circuit shall hold their sessions.]—*Superseded by the abolition of the Courts of Circuit by Section V. Regulation I.* 1829.

Fifth. Provision is made, by Section XXIII. Regulation VIII. 1803, for the punishment of guards in charge of convicts who may have escaped, and, in certain cases, for committing or holding such guards to bail for trial before the *Court of Circuit.* This provision is extended to guards in charge of prisoners who may escape from their custody, whether before or after conviction; but shall not be considered applicable to military guards from the provincial battalions (while such battalions shall continue subject to military law), or from any regular corps of the army. Whenever it shall appear to a magistrate that a guard furnished by a provincial battalion, or by any regular corps of the army, has been guilty of wilful neglect in guarding the prisoners under his charge, or in conniving at the escape, or the attempt to escape, of any prisoner, or of any other act of a criminal nature in the discharge of his duty, the magistrate shall cause the offender to be delivered over to the officer commanding the provincial battalion or the detachment to which he may belong, with a charge in writing, that he may be tried and punished on conviction by a court-martial.

See Sec. x. Reg. XI. 1806.

Provision for the trial and punishment of guards in charge of convicts by martial law, in certain cases, when such guards shall be furnished by a provincial battalion (subject to martial law), or by a regular corps of the army.

Sixth. The mode of proceeding against military guards, directed in the preceding clause, shall be observed with respect to any other offence involving a breach of military duty, and properly cognizable by courts-martial; but shall not be held applicable to any criminal charge against such guards or other sepoys, whether belonging to the provincial battalions or regular corps of the army, which may not involve a breach of military duty, and the cognizance of which therefore appertains to the Civil Courts.

The foregoing rule not applicable to charges against such guards which are cognizable in the civil courts.

Seventh. [Absence of judges of the Court of Appeal and Circuit.]—*Superseded by the abolition of those courts by Section V. Regulation I.* 1829, *and Section XXVII. Regulation V.* 1831.

Eighth. Provision is made, by Clauses Third, Fourth, and Fifth, Sec-

Explanation and ex-

tension of the provision contained in Cls. 3, 4, and 5, Sec. iii. Reg. XXXV. 1803.

tion III. Regulation XXXV. 1803, for the punishment of landholders and farmers of land, in certain cases, by the forfeiture of their estates or farms. It is hereby declared, in explanation of the provision contained in the clauses above mentioned, that the said provision shall be considered to extend to landholders or farmers of land, who shall be convicted of having themselves been concerned, directly or indirectly, in any theft or robbery committed within their respective estates or farms, or of having been aiding or abetting therein, or privy to the same. Such landholders and farmers shall be liable to be proceeded against in the manner prescribed by the aforesaid clauses, subject to the penalties prescribed therein.

Regs. *IX. X.* XI. XII 1803, and Reg. V. 1804, *together with Secs. xiii. and xiv. Reg II* 1805, extended to the zillahs specified in Sec. iii.

The provisions in the following section to be in force in the ceded and conquered provinces.

XV. Regulations [*IX.** *X.*†] XI. XII. 1803, and Regulation V. 1804, [*together with the rules prescribed by Sections XIII.*† *and XIV.*‡ *Regulation II.* 1805,] are hereby extended to the zillahs specified in Section III. The further provisions contained in the following sections are enacted, to be in force in the ceded and conquered provinces.

* Extinct
† Rescinded
‡ Superseded

XVI. [Rules for reference of suits to registers.]—*Rescinded by Section II. Regulation XXIV.* 1814.

Regs XIII. to XIX. and XXI. to XXIV. 1803, extended to the zillahs specified in Sec iii.

The following provisions to be in force in the ceded and conquered provinces.

XVII. *First.* Regulations XIII. [*XIV. XV. XVI.**] XVII. XVIII. XIX. XXI. XXII. XXIII. and XXIV. 1803, are hereby extended to the zillahs specified in Section III. *The following provisions are made in addition thereto, to be in force in the ceded and conquered provinces.*

* Rescinded.

Second, Third, and Fourth. [Duties and powers of registers enlarged.] —*Rescinded by Section II. Regulation XXIV.* 1814.

From Secs. i. to xxviii. Reg. XXV. 1803, extended to the zillahs specified in Sec iii.

XVIII. *First.* The several sections of Regulation XXV. 1803, from Section I. to Section XXVIII. inclusive, prescribing rules for the conduct of the Board of Revenue and the collectors in the provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company, are hereby extended to the zillahs specified in Section III. Regulation XXVI. 1803, and the whole of Regulation XXVII. 1803, excepting Section LIII. are also extended to those zillahs. The local rules for the settlement of the land revenue in the zillahs specified in Section III. as well as for declaring the proprietary rights of the landholders under the settlement to be made therein, are specified in Regulation IX. 1805.

Reg XXVI. 1803, and the whole of Reg. XXVII. 1803, excepting Sec. liii. also extended to the said zillahs

The rules for the settlement of the land revenue, and for declaring the proprietary rights of the landholders, will be specified in Reg. IX. 1805.

Penalty for refusing to obey, or resisting or avoiding compliance with processes issued under Sec. li. Reg. XXVI 1803, to be in force in the ceded and conquered provinces.

Second. By Section LI. Regulation XXVII. 1803, the collectors are empowered, in certain cases, to require the personal attendance of any landholder, or other native inhabitant, within their respective jurisdictions. But no penalty has been prescribed by the Regulations for refusing to obey, or resisting, or avoiding compliance with, the requisition of any process issued under the section above mentioned: It is therefore hereby declared, that any person, being a landholder or farmer of land, so offending, will be liable to the penalties prescribed by Sections XXII. XXIII. XXIV. XXV. XXVI. and XXVII. Regulation XXVII. 1803, under the provisions therein specified. If the offender shall not be a

landholder or farmer of land, he will be liable to the penalty prescribed in Section XXVIII. of the said Regulation. The provision contained in this clause shall be in force in the ceded and conquered provinces.

Third. Such part of Clause First, Section LIII. Regulation XXVII. 1803, as declares that no settlement shall be considered final in the ceded provinces until it has received the sanction of the Board of Revenue, is rescinded. Instead of the foregoing rule, it is hereby provided that no settlement shall be considered final in the ceded provinces, until it shall have received the final sanction of the Governor-General in Council.

No settlement in the ceded provinces to be considered final until it has received the sanction of the Governor-General in Council.

XIX. Regulation XXVIII. 1803, and the further provisions contained in Section IV. Regulation II. 1805, are hereby extended to the zillahs specified in Section III.

Reg. XXVIII. 1803, and the further provisions in Sec. iv. Reg II. 1805, extended to the zillahs specified in Sec. iii.

Rescinded.

XX. *First.* Regulation[*s XXIX. and*] XXX. 1803, are hereby extended to the zillahs specified in Section III. with the following additional provisions.

Regs. *XXIX.* and XXX. 1803, extended to the zillahs specified in Sec. iii. with the following additional provisions

Second. Instead of the period fixed by Section IV. Regulation XXX. 1803, *for the general delivery of pottahs in the ceded provinces, a period of three years from the conclusion of a settlement with the several landholders and farmers in the zillahs specified in Section III. shall be allowed to them for consolidating the rents of the ryots and granting pottahs as required.*

Period allowed for the delivery of pottahs in the zillahs specified in Sec. iii. instead of that fixed by Sec. iv. Reg XXX. 1803

Third. The periods specified in Clause Second, Section VI. of this Regulation, shall be substituted in lieu of the period stated in Section XII. Regulation XXX. 1803, according as the same shall be applicable to the zillahs respectively.

What periods to be substituted in lieu of that prescribed in Sec xii. Reg. XXX 1803.

See Reg. VII. 1803.

XXI. Regulation XXXI. 1803, is hereby extended to the zillahs specified in Section III.; but instead of the dates stated in that Regulation, viz. the 10th November, 1789, and the 1st January, 1801, the following dates are substituted for the zillahs aforesaid; viz. the 1st January, 1792, or 22nd Poose, 1199, Fussily, in lieu of the 10th November, 1789; and the 1st January, 1803, or 23rd Poose, 1210, Fussily, in lieu of the 1st January, 1801.

Reg. XXXI. 1803, extended to the zillahs specified in Sec. iii. What dates to be substituted for those specified in that Regulation.

XXII. [Extension of Regulation XXXII. 1803, and Section V. Regulation II. 1805.]—*This section and the enactments referred to rescinded by Section I. Act IV.* 1840.

XXIII. *First.* Regulations XXXIII. and XXXIV. 1803, are hereby extended to the zillahs specified in Section III. with the following modification of the Regulation last mentioned.

Regs. XXXIII. and XXXIV. 1803, extended to the zillahs specified in Sec. iii. with the following modification.

Second. The 30th of December, 1803, shall be the date to be adopted in the zillahs of Allyghur, Agra, and the northern and southern division of the zillah of Saharunpore, and the 16th of December, 1803, shall be the date to be adopted in the zillah of Bundlecund, in lieu of the date specified in Sections II. III. and IX. Regulation XXXIV. 1803. The 1st of January, 1806, shall be adopted in the whole of the above zillahs, in lieu of the date specified in Sections VII. and VIII. of the said Regulation.

What dates to be substituted for that specified in Secs. ii iii. and ix. Reg XXXIV. 1803, and for that specified in Secs. vii. and viii. of the said Regulation.

Reg. XXXVI. 1803, extended to the zillahs specified in Sec. iii. with the following modifications.

XXIV. *First.* Regulation XXXVI. 1803, is hereby extended to the zillahs specified in Section III. with the following modifications. See Reg VII 1808

Definition of badshahee grants.

Second. Under the definition of the badshahee grants, contained in Clause First, Section II. of the Regulation above mentioned, viz. all grants made by the supreme power for the time being, it is hereby declared, that the following description of grants shall be considered as badshahee. First, royal grants, properly so called. Secondly, grants made by Dowlut Rao Scindiah, or his predecessors in authority, in the conquered provinces in the Dooab and on the right bank of the river Jumna. Thirdly, grants made by the Peishwa, or his predecessors, in the territory ceded to the Honourable the English East-India Company in Bundlecund. See Secs ii. and iii. Reg XIV 1825

Grants made by any other authorities than those above stated to be reported to the Governor-General in Council, who will determine thereon

Third. If any grants of the descriptions specified in Regulation XXXVI. 1803, shall have been made by other authorities than those stated in the preceding clause, a report of the same shall be made to the Governor-General in Council, who reserves to himself the power of declaring whether such grants shall be deemed badshahee and valid, or otherwise.

Date to be substituted for that specified in Reg. XXXVI. 1803.

Fourth. The 1st day of January, 1803, or 23rd of Poose, 1210, Fussily, is substituted for the 1st of January, 1801, in the several sections of Regulation XXXVI. 1803, with respect to the zillahs to which that Regulation is now extended.

XXV. [Extension of Regulation XXXVII. 1803.]—*The Regulation referred to is inoperative.*

XXVI. [Extension of Regulation XL. 1803, with additions.]—*This section and the Regulation referred to, rescinded by Section II. Regulation X.* 1813.

Regs *XLI.* XLII. *and XLIII.* 1803, extended to the zillahs specified in Sec. iii.; *with the following provision, to be in force in the ceded and conquered provinces.*

XXVII. *First.* Regulation[s *XLI.*] XLII. [*and XLIII.*] 1803, are hereby extended to the zillahs specified in Section III.; [*with the following provision, in addition to the Regulation last mentioned, to be in force in the ceded and conquered provinces*]. Rescinded.

Second. [Rule respecting institution of summary suits under Regulation XXXII. 1803.]—*The Regulation referred to repealed by Act IV.* 1840.

Regs. XLIV. *and XLV.* 1803, extended to the zillahs specified in Sec. iii.

XXVIII. Regulations XLIV. *and XLV.* 1803, are hereby extended to the zillahs specified in Section III.; *and the periods prescribed for the operation of the latter Regulation in the ceded provinces shall be likewise in force in the said zillahs.* Superseded.

Regs. XLVI, XLVII. and LII. 1803, extended to the zillahs specified in Sec. iii.; with further provisions, to be in force in the ceded and conquered provinces.

XXIX. *First.* Regulations XLVI. XLVII. and LII. 1803, are hereby extended to the zillahs specified in Section III.; with the following provisions, in addition to the Regulation last mentioned, to be in force in the ceded and conquered provinces.

Second. [*Same as Section II. Regulation L.* 1793, *substituting* "Regulation LII. 1803," *for the enactments there referred to,*]

Third to Sixth. [*Same as Sections III. to VI. Regulation L.* 1793.]

Seventh. [*Same as Section II. Regulation LVIII.* 1795, *substituting*

"Section XXXVI. Regulation LII. 1803," *for* "Section XXXII. Regulation X. 1803."]

Eighth to Eleventh. [*Same as Sections I. to IV. Regulation I.* 1800.]

Twelfth. [*Same as Section V. Regulation I.* 1800, *substituting* "Section V. Regulation LII. 1803," *for* "Sections XXIII. and XXIV. Regulation VIII. 1793."]

Thirteenth and Fourteenth. [*Same as Sections VI. and VII. Regulation I.* 1800, *omitting the last sentence,* "All proceedings, papers," &c.]

Provision for the operation of parts of this Regulation in certain pergunnahs separated from the zillahs of Moradabad and Etawah, and annexed to the zillah of Allyghur.

XXX. The periods prescribed for the operation of certain parts of this Regulation in the conquered provinces in the Dooab and on the right bank of the river Jumna, and in the territory ceded to the Honourable the English East-India Company in Bundlecund by the Peishwa, shall not be construed to extend to certain pergunnahs separated from the zillahs of Moradabad and Etawah, and annexed to the zillah of Allyghur, conformably to the orders passed by the Governor-General in Council, under date the 27th of November, 1804; excepting in instances in which such periods shall correspond with those prescribed in the Regulations for the administration of the ceded provinces. In all other instances, the periods prescribed in the Regulations last mentioned shall be considered to be still applicable to the pergunnahs aforesaid.

Rules to be observed by the judges and magistrates in the ceded and conquered provinces, with the view of making the Regulations generally known throughout their respective jurisdictions.

See Sec. xi. Reg. XXVII. 1814.

XXXI. On the receipt of the Persian and Hindoostanee translations of this Regulation by the judges and magistrates of the zillahs specified in Section III., they shall cause the same to be publicly read in their respective cutcherries, together with the translations of the several Regulations thereby extended to the said zillahs. They shall also require the native pleaders of their respective courts to take copies of the translations of the several Regulations which relate, directly or indirectly, to the administration of justice in civil cases; and shall cause the copies which, by Section X. Regulation XLVI. 1803, they are required to furnish to the cauzees stationed in the several towns and pergunnahs within their respective jurisdictions, to be read and published, for general information, at the cutcherries of the munsiffs appointed under Regulation XVI. 1803, as well as of the tehseeldars and police darogahs in charge of the police, under Regulation XXXV. 1803. This rule shall be likewise observed with respect to all future Regulations, and is declared to extend to the ceded as well as to the conquered provinces.

Reg. IX. 1805.

A.D. 1805. REGULATION IX.

A REGULATION *for enacting into a Regulation certain Articles of a Proclamation to be issued in the conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and in the Territory ceded to the Honourable the English East-India Company in Bundlecund by the Peishwa:* PASSED *by the Governor-General in Council, on the* 11*th of July*, 1805.

I. THE following articles of a proclamation which is hereby addressed by the Governor-General in Council to the zemindars, independent talookdars, and other actual proprietors of land paying revenue to Government, in the conquered provinces situated within the Dooab (or country lying between the rivers Ganges and Jumna), and on the right bank of the river Jumna, ceded to the Honourable the English East-India Company by Dowlut Rao Scindiah; and in the territory situated in Bundlecund on the right bank of the river Jumna, ceded to the Honourable the English East-India Company by the Peishwa; are enacted into a Regulation.

Proclamation.

PROCLAMATION.

Preamble.

II. "ART. I. Whereas, by Regulation IX. 1804, and Regulation VIII. 1805, the laws and regulations established by the British Government for the internal administration of the provinces ceded to the Honourable the English East-India Company by the Nawaub Vizier have been extended, with such modifications and qualifications as were deemed necessary, to the conquered provinces situated within the Dooab and on the right bank of the river Jumna, ceded to the Honourable the English East-India Company by Dowlut Rao Scindiah; and to the territory in Bundlecund, situated on the right bank of the river Jumna, ceded to the Honourable the English East-India Company by the Peishwa: And whereas it is the intention of the British Government, at the expiration of the current year 1212, Fussily, to adopt a plan for the settlement of the land revenue in the said territories upon principles of moderation and justice: And whereas it is of importance that the terms and conditions of such settlement should be made known throughout the territories aforesaid as early as may be practicable: And whereas it is essential to the security of the rights and interests of the zemindars and other landholders in the said territories, that the nature of their right of property in their respective estates, under the terms and conditions hereafter recited, should be publicly acknowledged and declared, it is accordingly hereby proclaimed as follows.

The sayer to be separated from the mâl, and a settlement to be made for the latter for three years from the commencement of 1213, Fussily, with the ex-

III. "ART. II. At the commencement of the year 1213, Fussily, the sayer of every denomination will be separated from the mâl, or land revenue; and a settlement will be concluded for the land revenue only, in all practicable cases, with the zemindars or other actual proprietors of the soil (unless when disqualified by notoriously bad character or other good and

sufficient cause), for a period of three years, viz. for the years 1213, 1214, and 1215, Fussily (with the exception specified in the fifth article), at a fixed, equal, annual jumma; it being understood that such zemindars as are huzzoor tehseel, or allowed to pay their kists immediately to the collector of the zillah, shall be responsible for maintaining the police of their respective zemindaries, with the exception of the police in cities, large towns, and principal gunges, the expense of which will be defrayed by Government. In instances, however, in which, from calamity of season or other good and sufficient cause, any landholder may be unwilling to engage for his lands at such a jumma, for the first year of the lease, as Government would otherwise be entitled to demand, with a reference to the probable resources and produce of the lands during the whole of the lease, the settlement will be concluded for the first lease of three years at a fair and equitable annual increase, instead of a fixed, equal, annual jumma. The cabooleats executed by zemindars and other actual proprietors of land, or farmers of land, shall contain a clause restricting them from collecting sayer duties, or any duties whatever, in their respective estates or farms. The collectors are required to explain fully the nature and extent of this restriction, in order that persons desirous of entering into engagements may regulate their proposals accordingly. No settlement shall be considered final, until it shall have received the sanction of the Governor-General in Council.

ception in the fifth article.

[*XXV.* 1803, *xxix.* 1, *with additions.*]

At a fixed, equal, annual jumma.

Huzzoory tehseel zemindars to be responsible for the police, with certain exceptions.

Settlement to be made at an annual increase in certain cases.

Restriction to be inserted in the cabooleats of the zemindars.

All settlements to receive the previous sanction of the Governor-General in Council.

IV. "Art. III. At the expiration of the three years specified in the foregoing article, another settlement will be concluded with the same persons (if willing to engage) for a further period of three years, viz. for the years 1216, 1217, and 1218, Fussily (with the exception specified in the Fifth Article), at a fixed, equal, annual jumma, which jumma shall be formed by taking the difference between the annual amount of the first lease and the actual yearly produce of the land at the time of its expiration, and adding two-thirds of such difference to the annual rent of the first lease.

Rules for concluding a second triennial settlement.

[*Ib.* 2.]

V. "Art. IV. At the expiration of the year 1218, Fussily, a new settlement will be concluded with the same persons (if willing to engage) for a further period of four years, viz. for the years 1219, 1220, 1221, and 1222, Fussily (with the exception specified in the Fifth Article), at a fixed, equal, annual jumma; which jumma shall be formed by adding to the annual rent of the second three years three-fourths of the net increase of revenue during any one year of that period.

Rules for concluding a new settlement for four years on the expiration of the preceding one.

[*Ib.* 3.]

VI. "Art. V. The settlement of the land revenue in the territory in Bundlecund, ceded to the Honourable the English East-India Company by the Peishwa, to be formed at the commencement of the year 1213, Fussily, will be concluded for one year only, in the first instance, under the general rules notified in this proclamation. The three succeeding settlements of the land revenue in the territory aforesaid will be concluded for the following periods of time: first, for the years 1214, 1215, and 1216, Fussily; secondly, for the years 1217, 1218, and 1219, Fussily; and thirdly, for the years 1220, 1221, and 1222, Fussily; under the terms and conditions specified in this proclamation.

Rules for concluding the several settlements in zillah Bundlecund.

Rules for concluding a permanent settlement on the expiration of 1222, Fussily.
[*XXV.*1803, *xxix.*4.]

VII. "ART. VI. At the end of the ten years expiring with the year 1222, Fussily, a permanent settlement will be concluded with the same persons (if willing to engage, and if no other persons having a better claim shall come forward), for such lands as may be in a sufficiently improved state of cultivation to warrant the measure, on such terms as Government shall deem fair and equitable.

See Sec. v. Reg. X. 1807, and Reg. X. 1812.

Nankar to be allowed to zemindars in certain cases, and at what rate.
[*Ib.* 5.]

VIII. "ART. VII. Those zemindars who may decline entering into engagements for their estates, as also those zemindars whose offers may be rejected by Government, shall for the present be allowed the same nankar which they have hitherto received from the ruling power for the time being; provided the rate of such nankar shall not, in either of the cases above stated, exceed ten per cent. on the jumma of the estate.

See Sec. v. Reg. VII. 1822, and Sec. xi. Reg. IX. 1833.

In instances in which lands are mortgaged or transferred on security, the settlement to be made with the person in possession.
[*Ib.* 6.]

IX. "ART. VIII. With respect to such zemindaries as may have been mortgaged or transferred on security, and possession thereof actually given, to the mortgagees or sureties, the settlement will be made with the person in possession of the land, as the temporary representative of the proprietor, leaving the latter to obtain possession, either by a private settlement of accounts or by a judicial process.

Rule for concluding the settlement of small talooks or estates nominally included in large zemindaries.
[*Ib.* 7, *and XXVII.* 1803, *liii.* 8.]

X. "ART. IX. The settlement of such small talooks or estates as may be only nominally included in large zemindaries, in the sudder jumma of which their jumma may be comprehended, will be made separately and distinctly, with the proprietors of such small estates; and they will be allowed to pay their revenue directly to the tehseeldars on the part of Government, or to the collector of the zillah, as may be deemed advisable; provided, however, that the talookdars or proprietors of such small talooks or estates shall be desirous of the separation, or the zemindars shall require it. In the event of a zemindar considering himself aggrieved by a separation made in conformity to the foregoing rule, or of a talookdar being dissatisfied at not being separated from a zemindary agreeably to what he may have considered as his right, in either case, the party considering himself aggrieved will be at liberty to seek redress in the courts of justice. The collectors, however, shall not allow any disputed claims to interfere with, or delay the immediate conclusion of the settlement, which, in all doubtful cases, shall be made with the person in possession.

A zemindar or talookdar considering himself aggrieved by a separation made in conformity to the foregoing rule, how to proceed.

In doubtful cases, the settlement to be made with the person in possession.

Where there are no proprietors, or the proprietors refuse to engage, a village settlement to be concluded for three years.
[*XXV.* 1803, *xxix.* 9, *with additions*]

XI. "ART. X. With respect to such lands as are without proprietors, or the proprietors of which may decline entering into engagements, a village settlement shall be concluded for three years from the commencement of the year 1213, or the year 1214, Fussily, according as the settlement may be concluded in the provinces ceded by Dowlut Rao Scindiah, or in the territory ceded by the Peishwa, at a fixed, equal, annual jumma; with the reservation contained in the concluding part of the second article relative to forming the settlement, in certain cases, at an annual increase. In instances in which a village settlement shall be concluded in Bundlecund at the commencement of the year 1213, Fussily, such settlement shall be formed only for one year. In all cases of the description mentioned in this article, a preference will be given to the mocuddums, purdhaans, or respectable ryots of the several villages.

Exception with respect to Bundlecund.

Preference to be given to mocuddums, purdhaans, and respectable ryots.

XII. "ART. XI. In instances in which neither proprietors nor farmers shall be forthcoming, or in which they shall not tender suitable conditions of agreement, a khas or bowlee settlement shall be concluded with the ryots for lands in such predicament, stipulating the shares to be received by the ryots from the different description of land, as follows: in politch lands, or such as are in full cultivation, Government shall receive five pusserees and the ryot three pusserees: in chunchur lands, or such as have not been cultivated for two or three years, Government shall receive two, and the ryot six pusserees: in bunjur, or waste lands, Government shall receive one, and the ryot seven pusserees. Chunchur lands after one year, and bunjur lands after two years, shall be considered equal to politch. Bunjur lands after one year shall be considered equal to chunchur. In khas settlements, the bhaint or nuzzerana shall be abolished. The wages of the putwarries shall be paid by the ryots; but the expense of the mussahut, or measuring and valuing the crops, shall be defrayed by Government, in consideration of the additional pusseree received out of the politch crop. In all cases when crops are valued, the valuation shall be determined by the price-current of the day In khas settlements, the ryots shall engage that the cultivation of the lands shall not fall off, and that they shall not undertake the cultivation of new lands until they have accomplished that of the land already engaged for by them.

A khas or bowlee settlement to be concluded where no other can be formed.

[*XXVII.* 1803, *lin.* 14.]

Rules for dividing the produce between Government and the ryots where a khas settlement shall be made

Nuzzerana or bhaint abolished.

Putwarries' wages to be paid by the ryots.

Expense of measuring and valuing crops to be defrayed by Government.

Valuation to be determined by the price current of the day.

Ryots to engage to keep up the cultivation

XIII. "ART. XII. All authorized abwaubs shall be consolidated and incorporated with the land rent, and expressed in the pottahs and cabooleats; and nothing but what is there expressed shall be collected from the ryots or under-renters.

All authorized abwaubs to be consolidated with the land rent, and expressed in the pottahs and cabooleats.

[*XXV.* 1803, *xxix.* 10]

XIV. "ART. XIII. All persons who may enter into engagements for the settlement shall bind themselves, by written obligations, to grant pottahs of the above description to their ryots and under-renters of every description, specifying the amount to be paid by such ryots and under-renters respectively; and counter engagements shall be executed by the ryots and under-renters of a similar tenour and purport.

Persons entering into engagements to grant pottahs of the above description to the ryots;

[*XXVII.* 1803, *lin.* 8]

who shall execute counter engagements.

XV. "ART. XIV. All persons who may enter into engagements with Government shall previously give security for the fulfilment thereof, in an amount equal to one-fourth of their annual jumma.

Security to be given by persons entering into engagements with Government, equal to one-fourth of the jumma

[*XXV.* 1803, *xxix.* 12.]

See Sec v. Reg VII 1822, and Sec. xi. Reg IX. 1833

XVI. "ART. XV. In concluding the settlement of the land revenue in the territories mentioned in this proclamation, at the commencement of the year 1213, Fussily, the allowance of nankar to such of the zemindars as may engage for their lands shall be regulated by deducting the amount of the nankar from the jumma, and taking engagements from the zemindars for the neat residue; provided that the deduction for nankar shall not, in any instance, exceed ten per cent. on the neat jumma.

In concluding the settlement, the nankar to be deducted from the jumma if not exceeding ten per cent.

[*Ib. xxx.* 2, *modified.*]

XVII. "ART. XVI. Persons having claims to lands for which engagements have been entered into with the present possessors, and who shall not prefer their claim to regain possession of the same within six months from the date (as recorded in the respective zillahs) of issuing this proclamation, shall not be entitled to be restored to the actual possession of

Rules respecting the claims of persons having claims to lands, who shall not prefer the same within certain periods

[*XXVII.* 1803, *lin.* 3, *with additions*]

such lands before the expiration of the year 1213, Fussily, if the lands are situated in the zillah of Bundlecund; or before the expiration of the first triennial lease ending with the year 1215, Fussily, if the lands are situated in the zillah of Allyghur, the northern or southern division of the zillah of Saharunpore, or the zillah of Agra. Persons preferring such claims in the zillah of Bundlecund after the expiration of the year 1213, Fussily, and before the conclusion of the first triennial lease in that zillah ending with the year 1216, Fussily, shall not be entitled to regain possession of the lands claimed by them until such lease shall expire. Persons who shall not prefer their claims before the expiration of the first lease of three years (that is to say, before the commencement of the year 1216, Fussily, in the zillah of Allyghur, the northern or southern division of the zillah of Saharunpore, or the zillah of Agra, or before the commencement of the year 1217, Fussily, in the zillah of Bundlecund) shall not be entitled to regain possession of the lands claimed by them, until the expiration of the ten years or the commencement of the year 1223, Fussily. But this rule shall not be considered to restrict persons from preferring their claims at any time within the ten years.

Report to be made to the Board of Revenue, when a collector shall judge it inexpedient to conclude a settlement with a zemindar: proceedings to be held on the occasion. [*XXVII.* 1803, *ibid.* 4.]

XVIII. "ART. XVII. In instances in which a collector shall judge it to be inexpedient to conclude a settlement with a zemindar, he shall hold proceedings on the subject, detailing, at large, his reasons for rejecting the claim, with whatever information he may have obtained respecting such zemindar; at the same time receiving the zemindar's answer to the objections urged to his claim. The collector shall then transmit the whole of his proceedings to the Board of Revenue, and shall await their determination thereon.

Large zemindaries not to be entrusted to zemindars. [*Ib.* 5, *with additions.*]

XIX. "ART. XVIII. The collectors shall not, in any instance, entrust the settlement or the collection of the revenues of a considerable zemindary to a tehseeldar. The settlement of all zemindaries of the above description shall be concluded immediately by the collectors, to whom the revenue of such zemindaries shall also be immediately paid. In like manner, the collectors shall conclude the settlement, and receive immediately into their respective treasuries the collections of all other lands which they can bring under their immediate superintendence, without detriment to their general avocations.

The settlement and collections of all other lands to be likewise managed by the collectors in all practicable cases.

Rent of considerable farms to be paid immediately into the treasuries of the collectors in certain cases. [*Ib.* 17.]

XX. "ART. XIX. In instances in which lands to a considerable amount shall be let in farm to one individual, and Government shall be of opinion, from the report of the Board of Revenue, that the other avocations of the collector will admit of the measure, the rent of such farm shall be paid immediately into the treasury of the collector, instead of being received through the channel of a tehseeldar.

Explanation of the third and fourth articles of this proclamation, respecting the rule to be adopted in adding to the jumma a portion of the increased produce in concluding the future settlements. [*XXV.* 1803, *ibid.*]

XXI. "ART. XX. With the view of obviating any misconstruction of the rule to be adopted in adding to the jumma a portion of the increased produce, in concluding the settlements to be formed at the commencement of the Fussily years 1216 and 1219, or 1217 and 1220 (according as the settlements shall be concluded in the provinces ceded by Dowlut Rao Scindiah, or in the territory ceded by the Peishwa), it is hereby declared,

in explanation of the Third and Fourth Articles of this Proclamation, that the amount of the nankar to which the zemindars will be entitled, conformably to the engagements entered into by them under this Proclamation, shall be deducted from the actual yearly produce of their estates at the time of the expiration of each lease; and the actual increase of public revenue, to be assessed agreeably to the articles above specified, shall be calculated on the amount of the difference between the actual net produce after such deduction and the annual amount of the former lease. It is at the same time declared, that the portion of the increased produce relinquished to the zemindars under the above-mentioned articles on the formation of the successive settlements shall be considered as precluding all claim, on the part of the zemindars, to any further proportion of such increased produce on account of nankar, in addition to the deduction which will be made and continued to them on this account.

XXII. "ART. XXI. A discretionary power is vested in the landholders to grant small portions of land, exempt from the payment of revenue, for the support of their village watchmen, whenever they shall prefer making such grants to paying the watchmen a pecuniary allowance. Such grants, however, shall be resumable on the death or removal of the persons to whom they may be made; and the lands thus exempted from the payment of rent, as well as any other lands held by public officers or private servants exempt from rent in lieu of wages, and not forming part of any authorized lakheraj grants or tenures, within the provisions of Regulations XXXI. and XXXVI. 1803, shall be considered to form a component part of the malguzarry lands of the estates to which they may respectively appertain, for the revenue assessed upon which they will consequently be held responsible, in common with other malguzarry lands included therein.

A discretionary power, vested in the landholders to grant small portions of land for the support of village watchmen, exempt from the payment of rent.

Such lands resumable on the death or removal of the persons to whom they may be granted. [*XXV.* 1803, *sixth.*]

And considered responsible for the revenue assessed upon the estates to which they may respectively appertain.

XXIII. "ART. XXII. The Governor-General in Council hereby notifies to those zemindars, independent talookdars, and other actual proprietors of land whose lands may be held khas or let in farm, in consequence of their refusing to pay the assessment required of them under this Proclamation, that the zemindars, independent talookdars, and other actual proprietors of land whose lands may be held khas, shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which shall be required of them in conformity to the prescribed rules for the settlement of the land revenue; and that the zemindars, independent talookdars, and other actual proprietors of land whose lands may be let in farm, shall not regain possession of their lands before the expiration of the period for which they may be farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease, and the Governor-General in Council shall approve of the transfer); but that at the expiration of that period, upon their agreeing to the payment of the assessment which shall be required of them, they shall be reinstated, under the general Regulations, in the management of their estates respectively.

Proprietors of lands held khas or let in farm will be restored to the management of the same, on agreeing to the payment of the required assessment. Restriction with respect to lands let in farm. [*I.* 1793, *e.*]

XXIV. "ART. XXIII. It is well known to the zemindars, talookdars, and other descriptions of landholders in the provinces situated in the

Assessment in former times liable to variation

at the discretion of the ruling power.

Dooab and the right bank of the river Jumna, which have been ceded to the Honourable the English East-India Company by Dowlut Rao Scindiah and the Peishwa, that from the earliest times until the present period the public assessment upon the lands has never been fixed; and that, according to established usage and custom, the rulers of those territories and their delegates have exercised a discretionary and despotic authority, in depriving them of the possession of their zemindaries, talooks, and other tenures, whereby their right of property therein has become precarious and of little value; whilst the lands, from being let in farm to strangers or otherwise disposed of, have been impoverished, and the tenants and cultivators of the soil have been exposed to rapacity and oppression. With a view of promoting the interests of the landholders and to enhance the value of their estates, as well as to induce them to encourage their under-tenants and to extend cultivation, under the certainty that they will enjoy the fruits of their industry and good management, the Governor-General in Council has, by the rules contained in the preceding articles of this Proclamation, not only directed a settlement to be immediately made with the zemindars and other proprietors of land who shall be willing to engage for the revenue of their respective estates, but has also declared that a permanent assessment shall be fixed at the end of ten years, on such lands as shall be in a state of cultivation sufficiently advanced to render it proper to fix the assessment on the same in perpetuity; and the Governor-General in Council further declares the proprietary rights of all zemindars, talookdars, and other descriptions of landholders possessing a right of property in the lands composing their zemindaries, talooks, or other tenures, to be confirmed and established under the authority of the British Government, in conformity to the laws and usages of the country, and to the Regulations which have been, or shall be hereafter enacted by the Governor-General in Council.

Motives of the Governor-General in Council for abolishing this usage and providing for a permanent assessment.

The following declarations published to proprietors of land. [*I.* 1793, *viii.*]

XXV. "ART. XXIV. To prevent any misconstruction of the declaration contained in the foregoing article, the Governor-General in Council deems it to be necessary to publish the following declarations to the zemindars, independent talookdars, and other actual proprietors of land.

Government to enact such Regulations as they may think necessary for the welfare of the dependent talookdars and cultivators, and proprietors not to withhold the revenue on that account.

"*First.* It being the duty of the ruling power to protect all classes of people, and more particularly those who, from their situation, are most helpless, the Governor-General in Council will, whenever he shall deem it proper, enact such Regulations as he shall judge to be necessary for the protection and welfare of the dependent talookdars, ryots, and other cultivators of the soil; and no zemindar, independent talookdar, or other actual proprietor of land, shall be entitled, on this account, to make any objection to the discharge of the assessment on their lands which they have respectively agreed, or may hereafter agree to pay.

All internal duties that may be hereafter established to belong exclusively to Government.

"*Second.* The Governor-General in Council having, *by Regulation XI.* 1804, abolished all the duties coming under the denomination of sayer, rahdary, zemindary, or any other denomination, levied on goods or merchandise of any description, with the exception of the established duties levied by Government in bazars and gunges, which duties have been since abolished *by Regulation VI.* 1805, *and a town duty established in lieu thereof;* and it being provided by the second article of this Proclamation, that all engagements for the land revenue entered into with Government shall be

exclusive of sayer duties, and of all other collections not connected with the land revenue, the Governor-General in Council hereby declares, that if he should hereafter think it proper to establish any internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Jumma that may be assessed on alienated lands to belong exclusively to Government.

"*Third.* The Governor-General in Council will impose such assessment as he shall deem equitable on all lands held exempt from the public revenue, which have been, or shall be proved to be, so held under illegal or invalid titles. The assessment thus imposed will belong to Government, and no proprietor of land will be entitled to any part of it.

Police allowances in land or money resumable by Government, on the proprietors being exonerated from the charge of keeping the peace.

"*Fourth.* The jumma of those zemindars, independent talookdars, and other actual proprietors of land, with whom a settlement shall be concluded under the terms set forth in the present proclamation, shall be considered exclusive of any allowances which may be made to them in the adjustment of their jumma, for maintaining tannahs or police establishments, and also of the produce of any lands which they may be permitted to appropriate for the same purpose; and the Governor-General in Council reserves to himself the option of resuming the whole, or any part of such allowances, or of the produce of such lands, if he should at any time think it to be proper to exonerate the proprietors of land from the charge of keeping the peace, and to appoint officers on the part of Government to superintend the police of the country. The Governor-General in Council, however, declares that the allowances, or the produce of lands, which may be thus resumed, will be appropriated to no other purpose but that of defraying the expense of the police.

Proprietors at liberty to transfer their lands without the sanction of Government.
[*J.* 1793, *ix.*]

XXVI. "ART. XXV. That no doubt may be entertained whether it be lawful for proprietors of land to dispose of their estates without the previous sanction of Government, the Governor-General in Council notifies to the zemindars, independent talookdars, and other actual proprietors of land, that they are at liberty to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights in the whole or any portion of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahomedan or the Hindoo laws (according as the religious persuasions of the parties to each transaction may render the validity of it determinable by the former or the latter code), and that they be not repugnant to any Regulations now in force, or which shall be hereafter enacted by the British Government. It is at the same time hereby declared, that no private transfer, by sale, gift, or otherwise, nor any private mortgage or other assessment upon land assessed with the public revenue, will be admitted, in any respect, to affect the indefeasible right of Government to hold all such lands answerable, in the first instance, for the public revenue assessed thereupon.

Provided the transfer be conformable to law, and not contrary to the Regulations.

Such transfer declared not to affect the right of Government to hold the lands answerable for the revenue assessed thereon.

Rules for apportioning the fixed jumma on portions of estates, in the event of their being disposed of at public

XXVII.* "ART. XXVI. Whenever an entire estate (viz. the whole of any landed property for the assessment on which a distinct engagement has been or shall be entered into between Government and the proprietor, or

* So much of this and the following section as relates to the adjustment of the jumma on lands sold in satisfaction of decrees is repealed by Sec. i. Act IV. 1846.

sale or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors, upon the transfer or division being notified to the collector or other prescribed officer.

[*I.* 1793, *x.*]

which shall be separately assessed, although included in one engagement with other estates belonging to the same proprietor) shall be disposed of by public or private sale, without any subdivision of such estate, no new allotment of the jumma will be requisite, and the purchaser will succeed to all the rights of the former proprietor in the entire estate. But it is essential that a declaration should be made of the principles upon which the public assessment or jumma charged upon any such estates will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or by private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one, or in two or more lots, or of its being joint property, and a division of it being made among the proprietors. The Governor-General in Council has accordingly prescribed the following rules for apportioning the public assessment in the several cases above mentioned; and as Government might sustain a considerable loss of revenue by disproportionate allotments of that assessment, were the apportioning of it, in any of the cases above specified, to be left to the proprietors, it is hereby required, that all such transfers or divisions as may be made by the private act of the parties themselves, be notified to the collector of the revenue of the zillah in which the lands shall be situated, or such other officer as Government shall in future prescribe, in order that the public assessment or jumma charged upon the whole estate may be apportioned on the several shares in the manner hereafter directed; that the names of the proprietors of each share, and the jumma charged thereon, may be entered in the public register; and that separate engagements for the payment of the jumma assessed upon each share may be executed by the proprietors, who will thenceforward be considered as proprietors of distinct estates. If the parties concerned in such transfers or divisions of estates shall omit to notify the same to the collector of the revenue of the zillah, or such other officer as shall be hereafter prescribed, for the purposes, before mentioned, the whole of the original estate will be held responsible to Government for the discharge of the jumma assessed upon it, in the same manner as if no such transfer or division had ever taken place. The Governor-General in Council deems it to be necessary further to notify, in elucidation of the declarations contained in this article, that if any zemindar, independent talookdar, or other actual proprietor of land, shall dispose of a portion of his or her lands as a dependent talook or any other under-tenure, to remain as a dependency, subject to the payment of rent to the proprietor of the estate of which such talook may form a part, the jumma which may be stipulated to be paid by the dependent talookdar or other under-tenant will not be entered in the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear from any cause whatever; nor will such transfer be allowed, in any case, to affect the rights or claims of Government, any more than if it had never taken place.

But the transfer of dependent talooks not to affect the rights or claims of Government in any respect.

"*First.* In the event of the whole estate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or shall be concluded, being exposed to public sale, by order of the Governor-General in Council, for the discharge of arrears of the public assessment, *or in consequence of the decision of a court of*

justice, in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual neat produce as the public assessment upon the whole of the lands sold may bear to the whole of their actual neat produce. The neat annual produce is to be understood to be the neat annual rent, or other neat produce, receivable by the proprietor, after deducting from the gross rent, or other gross produce, the actual expenses of collection, and other usual charges of management, inclusive of the expense of embankments and similar incidental expenses, where such may be paid by the proprietor from his gross receipts; but exclusive of his *malikanah*, *nankar*, or other proprietary income, and all other personal appropriations of the gross produce of his estate, as such can have no claim to consideration in determining the neat produce for an equal division of landed property, or for the allotment of the public assessment thereon in conformity to the rules prescribed. The neat produce, as here defined, shall be ascertained in the mode that is or shall be prescribed by the Regulations; and the purchaser or purchasers of such lands, and his, her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so purchased, subject to the general rules in force at the time of sale for the periodical or permanent assessment of the land revenue.

Explanation of the term "actual neat produce."

"*Second.* When a portion of the estate of a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or shall be concluded, shall be exposed to public sale by order of the Governor-General in Council, for the liquidation of arrears of assessment *or pursuant to the decision of a court of justice*, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual neat produce, as the assessment upon the whole of the lands of such proprietor included in the same estate may bear to the whole of their actual neat produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount which shall bear the same proportion to its actual neat produce, as the assessment upon the whole of the lands of such proprietor included in the same estate may bear to the whole of their actual neat produce. The actual neat produce of the whole of the lands of such proprietor, whether the portion of such lands which may be sold be disposed of in one, or in two or more lots, shall be ascertained in the mode that is or shall be prescribed by the Regulations; and the purchaser or purchasers of such lands, and his, her, or their heirs or successors, will be allowed to hold them at the jumma at which they may be so purchased, subject to the general rules in force at the time of sale for the periodical or permanent assessment of the land revenue.

"*Third.* When a zemindar, independent talookdar, or other actual proprietor of land, with or on behalf of whom a settlement has been or shall be concluded, shall transfer the whole of his or her estate in two or more distinct portions to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate, so transferred, shall be fixed by the collector, or other authorized officer of Government, at an amount which shall bear the same proportion to its actual neat produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so trans-

ferred, may bear to the whole of its actual neat produce. This produce shall be ascertained in the mode that is or shall be prescribed in the Regulations; and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the jumma at which they may be so transferred, after the same shall have been duly sanctioned and registered, and engaged for; subject to the general rules in force at the time of transfer for the periodical or permanent assessment of the land revenue.

"*Fourth.* Whenever a division shall be made of lands, the settlement of which has been, or shall be, concluded with or on behalf of the proprietor or proprietors, and that are or may become the joint property of two or more persons, the assessment upon each share shall be fixed by the collector, or other authorized officer of Government, at an amount which shall bear the same proportion to its actual neat produce, as the jumma assessed upon the whole of the estate divided may bear to the whole of its actual neat produce. This produce shall be ascertained in the mode that is or shall be prescribed by the Regulations; and the sharers, and their heirs and lawful successors, shall hold their respective shares at the jumma which may be so assessed upon them, after the same shall have been duly sanctioned, registered, and engaged for, subject to the general rules in force at the time of the division for the periodical or permanent assessment of the land revenue.

Rules for adjusting the jumma of lands held khas or let in farm, in the event of the whole, or any parts of them, being disposed of by public sale or private transfer, or divided amongst the proprietors.
[*J.* 1793, *xi.*]

XXVIII.* "ART. XXVII. The following rules are prescribed, respecting the adjustment of the public assessment or jumma on the lands of zemindars, independent talookdars, and other actual proprietors of land, whose lands are or may be held khas or let in farm by Government, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property and a division of them taking place amongst the proprietors.

"*First.* If the whole or a portion of the lands of a zemindar, independent talookdar, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her, and whose lands are or shall be held khas or let in farm by Government, shall be exposed to public sale in one, or in two or more lots, *pursuant to the decree of a court of justice*, such lands, if khas, shall be disposed of at whatever assessment the Governor-General in Council shall deem equitable: and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold the lands at the assessment at which they shall be so purchased, subject to the general rules in force at the time of sale for the periodical or permanent assessment of the land revenue. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one, or in two or more lots, they shall be disposed of under the following conditions. The purchaser or purchasers shall receive, during the unexpired part of the term of the lease of the farmer, whatever such proprietor shall have been entitled to receive in virtue of his or her proprietary rights, on account of the lands so purchased; and such purchaser or purchasers shall, at the expiration of the lease of the farmer, be put in possession of the lands, on his or their engaging to pay such assess-

* See note to Sec. xxvii.

ment as Government may deem equitable, under the general rules in force for the assessment of the land revenue.

"*Second.* If a zemindar, independent talookdar, or other actual proprietor of land, whose lands are or may be held khas or let in farm by Government, shall transfer, by private sale, gift, or otherwise, the whole or a portion of his or her lands, in one, or in two or more lots, and such transfer be legal and valid under the Regulations, the person or persons to whom the lands may be so transferred shall be considered to have succeeded to the whole of the proprietary rights of the former possessor, and will accordingly be entitled to receive any malikanah or nankar to which the former proprietor was entitled on account of the lands so transferred. Persons to whom such lands may be so transferred will stand in the same predicament as the zemindars, independent talookdars, or other actual proprietors of land mentioned in the Eighteenth Article, whose lands are held khas, or have been let in farm, in consequence of their refusing to pay the assessment required of them under this proclamation; and the declarations contained in that section are to be held applicable to them.

"*Third.* In the event of a division being made of lands which are or shall become the joint property of two or more persons, and which are or shall be held khas or let in farm by Government, the proprietors of the several shares will stand in the same predicament, with regard to their respective shares, as the zemindars, independent talookdars, and other actual proprietors of land specified in the Eighteenth Article, whose lands have been let in farm or are held khas by Government, in consequence of their having refused to pay the assessment required of them; and the declarations contained in that section are to be considered applicable to them.

Nothing in the two preceding articles to preclude the revision of allotments of the assessment on portions of estates, in cases of evident error, collusion, or fraud.

[*XXV.* 1803, *xxxix.*]

XXIX. "ART. XXVIII. Nothing in the two preceding articles shall be understood to preclude the revision and correction of allotments of the public assessment upon portions of estates disposed of by public sale or private transfer, or upon the partition of joint estates, in cases of evident error, collusion, or fraud, for which provision has been made by *Regulation XXVI.* 1803, *prescribing rules for the sale and division of lands paying revenue to Government;* nor shall anything in the foregoing section be construed to authorize the collectors, or any other officers of Government, to determine finally the amount of the public assessment to be allotted upon the portion of an estate, whether publicly or privately disposed of or divided between sharers, without the sanction of the Board of Revenue, as more fully provided for by the Regulation above mentioned."

See Reg. XIX. 1814, and Acts I. 1845, and IV. 1846.

Reg X. 1805.

A.D. 1805. REGULATION X.

A REGULATION *for amending the Constitution of the Courts of Sudder Dewanny Adawlut and Nizamut Adawlut, as far as relates to the Appointment of the Chief Judge of those Courts:* PASSED *by the Governor-General in Council, on the 25th July,* 1805.

[Rescinded by Section II. Regulation XV. 1807.]

Reg. XI. 1805.

A.D. 1805. REGULATION XI.

A REGULATION *for extending to the Conquered Provinces situated within the Dooab and on the right Bank of the River Jumna, and to the Territories ceded to the Honourable the English East-India Company in Bundlecund by the Peishwa, Regulation XLV.* 1803, *entitled "A Regulation for the Reform of the Gold, Silver, and Copper Coin, in the Provinces ceded by the Nawaub Vizier to the Honourable the English East-India Company:" also for providing for the Appointment of the Native Officers of Government employed in the Mint established at Furruckabad, under Regulation XLV.* 1803; *and for extending to such Native Officers such Parts of Regulation V.* 1804, *as provide for the Appointment and Removal of the Native Officers of Government in certain Departments:* PASSED *by the Vice-President in Council, on the 15th August,* 1805.

[Superseded by the abolition of the Furruckabad mint by Regulation II. 1824, and by the establishment of one uniform coinage of silver and gold coins by Act XVII. 1835, and of copper coins by Acts XXI. 1835, and XXII. 1844.]

Reg. XII. 1805.

A.D. 1805. REGULATION XII.

A REGULATION *for the Settlement and Collection of the public Revenue in the Zillah of Cuttack, including the Pergunnahs of Puttespore, Kummardichour, and Bograe, at present included in the Zillah of Midnapore:* PASSED *by the Vice-President in Council, on the 5th of September,* 1805.

I. WHEREAS it is necessary that fixed rules should be established for the settlement and collection of the public revenue in the zillah of Cut-

tack: And whereas the principles of justice and good faith require that the declarations made by the late Board of Commissioners to the several descriptions of zemindars, talookdars, farmers, and other holders of land, should be formally recognised and confirmed: And whereas it has been judged to be advisable to extend the Regulations in force for the settlement and collections of the public revenue in the province of Bengal, with certain modifications and exceptions, to the zillah of Cuttack: the following rules have been enacted, and are to be in force from the period of the promulgation of this Regulation.

Arrangements adopted by the commissioners for the settlement of the revenues for the years 1210 and 1211 Willaity, recapitulated and confirmed.

II. On taking possession of the country, the commissioners deemed it to be necessary to adopt the surest means of preserving uninjured the rights of the different landholders in the territory called Mogulbundy, being that part of the zillah of Cuttack in which, according to established usage, as in Bengal, the land itself is responsible for the payment of the public revenue, and in which every landholder holds his lands subject to the conditions of that usage. With this view, the commissioners issued a publication, signifying that all those persons who were in possession of the lands at the close of the Umlee year 1210 (corresponding with the Willaity year 1210) should continue in possession during the year 1211. The commissioners also declared all demands for balances of former years to be cancelled, and they ordered the amount of the revenue payable by the respective zemindars on account of the year 1211, Umlee (corresponding with the Willaity year 1211) to be ascertained and established according to the rate of the receipts of former years; granting a deduction of the amount of some oppressive abwaubs and other exactions, and allowing for losses sustained by the ryots from the failure of the first crop of that season, and also for such part of the revenue of the current year as had been previously collected by the Mahratta Government.

III. The arrangements adopted by the commissioners with respect to the settlement of the revenue for the years 1210 and 1211, Umlee (corresponding with the years 1210 and 1211, Willaity), together with the abatements from the jumma and the remissions of revenue granted by the commissioners in those years, are hereby confirmed.

Proclamation relative to the land revenue in the Mogulbundy territory, issued by the commissioners on the 15th September, 1804.

IV. The following proclamation relative to the settlement of the land revenue in the Mogulbundy territory of the zillah of Cuttack was published on the 15th of September, 1804, by the Board of Commissioners, in virtue of the powers vested in them.

"PROCLAMATION.—Cuttack, September 15, 1804.

[*XXV.* 1803, *xxix.*]

"*First.* Whereas it is the intention of the British Government to adopt, at the expiration of the present Umlee year, such a plan for the settlement of the landed revenue of the province of Cuttack, as may be most conducive to the prosperity of the country and to the happiness of the inhabitants: And whereas it is of the utmost consequence to the success of the measure, as well as to the interest of the zemindars, talookdars, and all others concerned, that the nature and terms thereof should be made known as early as possible, notice is hereby given:

[*XXV.* 1803, *xxix. Cl.* 1, *with additions.*]

"*Second.* That at the commencement of the Umlee year 1212, the sayer of every denomination will be separated from the mâl or land revenue, and a settlement for the latter only concluded in all practicable cases with the zemindars or other actual proprietors of the soil (unless when disqualified by notoriously bad character, or other good and sufficient cause), for a period of one year, it being understood that all zemindars and other landholders, and all candytes, shall for the present, and during the pleasure of Government, continue to perform the same duties of police for the prevention of robberies, murders, and crimes of that nature, and for the preservation of peace and good order within their respective limits, and to be subject to the same responsibility as heretofore.

[*Ib.* 2, *modified.*]

"*Third.* That at the expiration of the year 1212 another settlement will be made with the same persons (if willing to engage, and they shall have conducted themselves to the satisfaction of Government) for three years, at a fixed equal annual jumma, which jumma shall be formed upon a just and moderate consideration of the receipts in the year 1212 and former years.

[*Ib.* 3.]

"*Fourth.* That at the expiration of the fourth year a new settlement will be made with the same persons (if willing to engage, and they shall have conducted themselves to the satisfaction of Government), for a further period of four years, at a fixed annual jumma, formed by adding to the annual rent of the preceding lease of three years, two-thirds of the net increase of revenue during any one year of that period.

"*Fifth.* That at the end of the lease for four years (which will be in the Umlee year 1219) a further settlement for the period of three years will be concluded with the persons in possession (if willing to engage, and they shall have conducted themselves to the satisfaction of Government), at a jumma to be formed by adding to the annual rent of the preceding lease of four years, three-fourths of the net increase of revenue during any one year of that period.

See Reg. I. 1813.

[*Ib.* 4.]

"*Sixth.* That at the end of these eleven years, which will be in 1222, a permanent settlement will be concluded with the same persons (if willing to engage, and they have conducted themselves to the satisfaction of Government, and if no others who have a better claim shall come forward), for such lands as may be in a sufficiently improved state of cultivation to warrant the measure, on such terms as Government shall deem fair and equitable.

See Reg. X. 1812, and Sec. vi. Reg. III. 1815.

"*Seventh.* The nankar lands of those zemindars who may decline entering into engagements for their estates, as also of those whose offers may be rejected by Government, will be subject to the payment of revenue equally with other lands in the district; but such zemindars shall, for the present, continue to receive in money an equivalent for what they have hitherto received as nankar from the Mahratta Government.

See Sec. v. Reg. VII. 1822, and Sec. xi. Reg. IX. 1833.

[*Ib.* 6.]

"*Eighth.* That with respect to such zemindaries as may have been mortgaged or transferred in security, and possession thereof actually given to the mortgagees or securities, the settlement will be made with the person in possession of the land, as the temporary representative of the proprietor, leaving the latter to obtain possession, either by a private settlement of accounts or by a judicial process.

"*Ninth.* That the settlement of such small talooks or zemindaries as may be only nominally included in large zemindaries, in the sudder jumma of which their jumma may be comprehended, will be made separately and distinctly with the proprietors of such small estates, and they will be allowed to pay their revenue directly to the collector, or the person appointed by him to receive it; and in all cases where the revenue of a village has, for upwards of five years past, been paid direct to Government by the hereditary mocuddum, the settlement for such village will be made with the hereditary mocuddum. [*XXV.* 1803, *sixis.* 7, *with additions.*]

"*Tenth.* That with respect to such lands as are without proprietors, or the proprietors of which decline entering into engagements, a village settlement shall be made, and a preference given to the hereditary mocuddums of those villages to which the lands belong; but no settlement is to be made with a mocuddum for lands not included in his mocuddamy. [*Ib.* 8, *modified.*]

"*Eleventh.* That in the event of neither proprietors, mocuddums, nor other respectable ryots, being forthcoming, such lands as are in that predicament will be held khas. [*Ib.* 9, *modified.*]

"*Twelfth.* That all authorized abwaubs are to be consolidated and incorporated with the land-rent, and expressed in the pottahs and cabooleats, and that nothing but what is there expressed shall be collected from the ryots or under-renters. [*Ib.* 10.]

See Sec. iii. Reg. V. 1812.

"*Thirteenth.* That all persons who may enter into engagements for the settlement must bind themselves by written obligations to grant pottahs of the above description to their ryots and under-renters. [*Ib.* 11.]

"*Fourteenth.* That all persons who may enter into engagements with Government must previously give security for the fulfilment thereof in an amount equal to the largest kist of their annual jumma. [*Ib.* 12.]

"*Fifteenth.* Several of the tributary rajahs have been accustomed to furnish guards, and be responsible for all robberies committed within the Mogulbundy lands bordering on their respective territories, and for which they have formerly been allowed to levy a tax, called chowpunny or mongum khandity: those rajahs are to continue to furnish the usual guards and be subject to the same responsibility as heretofore; but instead of being permitted to levy the above-mentioned tax, the said rajahs will, until further arrangements can be made, receive an equivalent in money from Government.

"*Sixteenth.* Such being the provisions made for the preservation of the rights of the zemindars, ryots, &c. &c., and for the effectual prevention of undue exaction, there cannot be a doubt that confidence in the protection of Government will be established amongst all ranks of people, that cultivation will be extended, and that the general prosperity of this province will rapidly increase."

See Sec. v. Reg. VII. 1822, and Sec. xi. Reg. IX. 1833.

Rules, orders, and declarations, contained in the above proclamation, confirmed with certain qualifications.

Explanation of the rule to be adopted in adding to the jumma a portion of the increased produce in concluding the future settlements.

V. The rules, orders, and declarations contained in the above proclamation, are hereby confirmed, with the following qualifications and explanations. With the view of obviating any misconstruction of the rule to be adopted, in adding to the jumma a portion of the increased produce, in concluding the settlements to be formed at the commencement of the Willaity years 1216 and 1220 (corresponding with the years 1216 and 1220, Umlee), it is hereby declared, in explanation of the third and fourth clauses of the proclamation issued on the 15th of September, 1804, that the

amount of the nankar to which zemindars are or may be entitled, under their original engagements, for the first triennial settlement, shall be deducted from the actual yearly produce of their estates at the time of the expiration of each lease; and that the actual increase of public revenue to be assessed agreeably to the clauses above specified, shall be calculated on the amount of the difference between the actual net produce after such deduction, and the annual amount of the former lease. It is at the same time provided, that the portion of the increased produce relinquished to the zemindars under the above-mentioned clauses, on the formation of the successive settlements shall be considered to preclude all claim on the part of the zemindars to any further proportion of such increased produce on account of nankar, in addition to the deduction originally made and continued to them on this account.

Zemindars and other actual proprietors, whose lands have been held khas, shall be restored to the management of their lands on their agreeing to pay the assessment required in conformity to the rules for the settlement of the land revenue.
[*I.* 1793, *part of v.*]

VI. The lands of some zemindars, independent talookdars, and other actual proprietors of lands having been held khas or let in farm, in consequence of their refusing to pay the assessment required from them under the proclamation inserted in Section III. of this Regulation, the Governor-General in Council hereby notifies to the zemindars, independent talookdars, and other actual proprietors of land whose lands are held khas, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which shall be required from them, in conformity to the prescribed rules for the settlement of the land revenue.

The expiration of the year 1215, Willaity, fixed as the period for completing the adjustment and delivery of pottahs.

VII. In explanation of the provision contained in the 13th article of the above proclamation, it is hereby declared, that as a sufficient period of time will have elapsed during the first triennial settlement of the land revenue in the zillah of Cuttack (which will expire with the Willaity year 1215), to enable the proprietors and farmers of land to complete the adjustment and delivery of pottahs for the whole of their lands in the mode prescribed, the expiration of the Willaity year 1215 is the period fixed for the general delivery of pottahs.

This Regulation shall not authorize the resumption of lands assigned as endowments of the temple of Juggernauth, or similar purposes; provided, however, that the fixed quit-rents of such lands under the grants shall be paid as usual.

VIII. Nothing contained in this Regulation shall be construed to authorize the resumption of the rents of any lands assigned under grants from the Rajah of Berar, or from any zemindar, talookdar, or any actual proprietor of land in the zillah of Cuttack, as endowments of the temple of Juggernauth, or of Mutths in the vicinity of that temple, or for similar purposes; provided, however, that any fixed quit-rent which the holders of such lands are bound to pay by the conditions of their grants shall continue to be paid agreeably to former usage.

Rents of lands assigned for the maintenance of certain sirdar pykes, &c. not liable to resumption; nevertheless, the fixed quit-rents to be paid as usual.

IX. Nothing contained in the foregoing proclamation shall be construed to authorize the resumption of the rents of any lands at present appropriated to the maintenance of certain sirdar pykes and other pykes for the support of the police; provided, however, that any fixed quit-rent which may be at present payable by such sirdar and other pykes, conformably to the tenour of their grants, shall continue to be paid agreeably to established usage.

X. The collectors of the revenue in the zillah of Cuttack shall be guided, in preparing the different registers of landed property in that zillah, by the Regulations in force for that purpose in the province of Bengal; provided, however, that the first periodical register to be prepared shall commence with the Willaity year 1216, and shall exhibit the estates, and the required particulars respecting them, as they may stand at the commencement of that year. The periodical register to be formed at the commencement of the Willaity year 1211, and every succeeding five years, shall exhibit the estates as they may stand at that and each subsequent period.

Collectors to be guided by the Regulations in force in Bengal in preparing the different registers of landed property, with a provision that the first periodical register to be prepared shall commence with the Willaity year 1216.

XI. The register to be first formed, and to commence with the Willaity year 1216, shall be numbered two; the register to be next formed, commencing with the Willaity year 1211, shall be numbered one; the register to be next formed at the commencement of the Willaity year 1221, shall be numbered three: and every subsequent periodical register in the order in which it may be formed.

How the registers are to be numbered.

XII. [Extension of the stamp regulations to Cuttack.]—*Superseded by Section II. Regulation I.* 1814, *and Section II. Regulation X.* 1829.

XIII. [Coins in which the settlement is to be made and revenue paid.]—*Superseded by Acts XVII.* 1835, *and XIII.* 1836.

XIV. [Bonds may be discharged in sicca rupees.]—*Superseded by Acts XVII.* 1835, *and XIII.* 1836.

XV, XVI. [Engagements for any other coins than siccas or gold mohurs not to be enforced.]—*Rescinded by Section III. Regulation XIII.* 1807, *and see Acts XVII.* 1835, *and XIII.* 1836.

XVII. The following rules, containing modifications of the provisions contained in Regulation XIX. 1793,* respecting lands exempt from the payment of revenue under grants not being badshahee or royal, shall be in force in the zillah of Cuttack.

Modifications of Reg. XIX. 1793, respecting rent-free lands not being held under badshahee or royal grants.

See Secs. ii. and iii. Reg. XIV. 1825.

XVIII. *First.* All grants for holding land exempt from the payment of revenue, made previously to the 14th day of October, 1791, corresponding with the 30th Assin, 1198, Bengal era; the 3rd Cautick, 1199, Fussily; the 30th Assin, 1199, Willaity; the 3rd Cautick, 1848, Sumbut; and the 15th Suffer, 1207, Higeree, by whatever authority, and whether by a writing or without a writing, shall be deemed valid, provided that the grantee actually and bonâ fide obtained possession of the land so granted, and held it exempt from the payment of revenue, previously to the date above mentioned, and that the land shall not have been subsequently rendered subject to the payment of revenue by the officers or the orders of the Government. If it shall be proved *to the satisfaction of the court*, that the grantee did not obtain possession of the land so granted, or did not hold it exempt from the payment of revenue previously to the date above speci-

Grants of alienated land made previous to the 14th October, 1791, declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

[*XIX.* 1793, *ii.* 1.]

Grants made before the above date of no validity, if possession was not obtained prior thereto, or if the lands

* See notes to Reg. XIX. 1793.

have been since subjected to the payment of revenue.

fied, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government. the grant shall not be deemed valid.

Grants made subsequent to the 14th October, 1791, by whatever authority, which may have been confirmed or admitted by the existing Government prior to the 14th October, 1803, declared valid, provided the grantee obtained possession previous to that date, and held the lands without being subjected to the payment of revenue until the latter date.

[*XXXI.* 1803, *ii.* 2.]

Second. All grants for holding land exempt from the payment of revenue, which may have been made subsequently to the 14th day of October, 1791, and prior to the 14th day of October, 1803, by whatever authority, and which may have been confirmed or expressly admitted antecedently to the 14th day of October, 1803, by the authority of the existing Government, shall be deemed valid, provided the grantee actually and bonâ fide obtained possession of the land so granted, and held the same exempt from the payment of revenue, previously to the 14th of October, 1803, and the land shall not have been afterwards rendered subject to the payment of revenue by the officers or the orders of the late Government. If it shall be proved, *to the satisfaction of the court*, that the grantee did not obtain possession of the land so granted, or did not hold it exempt from the payment of revenue, previously to the 14th day of October, 1803, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of the late Government, the grant shall not be deemed valid.

Such grants of no validity, if possession was not obtained, or if the lands were subjected to the payment of revenue prior to the 14th October, 1803.

Courts to refer to the Governor-General in Council, in the event of their entertaining doubts of the authority of any officer of Government who may have subjected exempted lands, granted before the 14th October, 1803, to the payment of revenue.

[*XIX.* 1793, *ii.* 2.]

Third. In the event of a claim being preferred by any person to hold land exempt from the payment of revenue, under a grant made previously to the 14th day of October, 1791, or under a grant made subsequent to that date, but prior to the 14th day of October, 1803, and confirmed or admitted by the authority of the existing Government, and of its being proved *to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed*, that the grantee held the land exempt from the payment of revenue previously to the date specified, but that it was afterwards subjected to the payment of revenue by an officer of Government, and the *court* shall entertain doubts as to the competency of such officer, under the powers vested in him, to subject the land to the payment of revenue, the *court* shall suspend its judgment, and report the circumstances to the Governor-General in Council, to whom a power is reserved of determining whether such officer was or was not competent to subject the land to the payment of revenue; and upon receiving the determination of the Governor-General in Council, the *court* is to decide accordingly. In like manner, the Governor-General in Council reserves to himself the power of determining, in cases of doubt, whether any officer of the Rajah of Berar who may have made, confirmed, or admitted grants of land exempt from the payment of revenue, in the name or on the part of the rajah, was competent to exercise such authority. The *Courts of Judicature* shall accordingly suspend their judgment in cases of the above nature, and report the circumstances for the decision of the Governor-General in Council.

Rules respecting grants for life only.

[*Ib.* 3.]

Fourth. But no part of the three preceding clauses shall be construed to empower the *courts* to adjudge any person, not being the original grantee, entitled to hold land now paying revenue to Government, exempt from the payment of revenue, under any grant made previously to the 14th day of October, 1803, the writing for which may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant, from the

nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usage of the country.

Fifth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue, under whatever grant, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where from the nature and denomination of the grant it shall be proved to be a life tenure only, according to the ancient usages of the country. Nor to entitle the heirs to any such person to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise, unless it shall be proved, *to the satisfaction of the court*, that the grant, from the nature and denomination of it, is hereditary, according to the ancient usages of the country. But upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the 14th day of October, 1803, the lands shall not be subjected to the payment of revenue under the decree without the sanction of the Governor-General in Council, to whom a copy of the proceedings and decree of the *court* is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue, or not, as may appear to him proper.

[*XIX.* 1793, *ii.* 4]

Power reserved to the Governor-General in Council of determining whether life grants to which one or more successions may have taken place prior to the 14th October, 1803, shall be subjected to the payment of revenue or not, on the death of the present possessor.

Sixth. The present possessors of lands held exempt from the payment of revenue, under all life grants declared by the preceding clause not to be hereditary, are prohibited from selling or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives; and all such transfers and mortgages are declared illegal and void.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue beyond their own lives.

[*XIX.* 1793, *ii. part of* 5.]

Seventh. Provided, however, that nothing herein contained shall authorize the subjecting to the payment of revenue any quantity of land, not exceeding ten begahs, held exempt from the payment of revenue under a grant made prior to the 14th day of October, 1803, and bonâ fide appropriated as an endowment for temples or for other religious or charitable purposes. Moreover, if any land so held and appropriated, exceeding ten begahs, shall become liable to assessment under the rules contained in this Regulation, and the *judge of the court before which the suit for the assessment of such land may be depending, or the* collector of the district, *if no judicial suit respecting it be depending*, shall be of opinion that the immediate assessment of such land would be productive of distress, he shall report the same, with the circumstances of the case, for the consideration of the Governor-General in Council.

Exempted lands not exceeding ten begahs held under grants made prior to the 14th October, 1803, and appropriated to the endowment of temples or other such purposes, not to be liable to assessment.

Decision respecting lands so held exceeding ten begahs, reserved to the Governor-General in Council.

[*XXXI.* 1803, *ii.* 7.]

Eighth. The *courts of justice* shall not take cognizance of any claim to hold exempt from the payment of revenue, under the present Regulation, land which may have been subjected to the payment of revenue for the period of twelve years prior to the 14th of October, 1803; nor of any claim to hold land exempt from the payment of revenue, which may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, unless the claimant can

Courts not to take cognizance of claims to hold exempted lands that have paid revenue for twelve years prior to the 14th October, 1803, or to the date of preferring the claim, unless the claimant can show sufficient cause

for not sooner preferring it.
[*XXXI.* 1803, *ii.* 8.]

show good and sufficient cause for not having preferred his claim to a competent jurisdiction within that period.

All grants of land exempt from revenue made since the 14th October, 1803, and not confirmed by the Governor-General in Council or an officer duly authorised, declared invalid.
[*XIX.* 1793, *iii.* 1.]

XIX. All grants for holding land exempt from the payment of revenue, which may have been made since the 14th day of October, 1803, corresponding with the 29th Assin, 1210, Bengal era; the 14th Cautick, 1211, Fussily; the 29th Assin, 1211, Willaity; the 14th Cautick, 1860, Sumbut; and the 27th Jumadee-us-Sanee, 1218, Higeree, by any other authority than that of the British Government, and which may not have been confirmed by the Governor-General in Council or by an officer empowered to confirm them, are declared invalid.

See Sec. iii. Reg. XIV 1825.

Courts how to proceed in the event of their doubting the authority of any officer to confirm a grant.
[*Ib. iii.* 2.]

XX. If doubts shall be entertained by any *court* as to the competency of the authority of any officer to confirm any such grant, the *court* is to suspend its judgment, and report the circumstances of the case to the Governor-General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise; and the *court*, upon receiving the determination of the Governor-General in Council, shall decide accordingly.

See Sec. iii. Reg. XIV. 1825.

Rule for assessing lands resumed under the three foregoing sections.

XXI. The following rule shall be in force in the province of Cuttack, for assessing land declared subject to the payment of revenue to Government, under the three foregoing sections of this Regulation.

The revenue assessed on such lands declared to belong to Government.
[*XXXI.* 1803, *v.*]

XXII. *First.* The revenue assessable on all lands which shall be adjudged or become liable to the payment of revenue, under Sections XVIII. XIX. and XX. of the present Regulation, is declared to belong to Government.

Assessment to be regulated by the rules for the settlement of the lands paying revenue.

Second. The revenue payable to Government shall be regulated by the rules prescribed by this Regulation, for concluding the settlement of lands paying revenue to Government, and by any subsequent rules which may be prescribed relative to the assessment of lands subject to the payment of revenue to Government.

Rules in case of the proprietor refusing to agree to such assessment.

If the proprietor shall not agree to the assessment so fixed, a report of his objections, and of the circumstances of the case, shall be made by the collector of the district, through the Board of Revenue, for the information of the Governor-General in Council, who will determine on the amount of the assessment; and if the proprietor shall refuse to engage for the same, the lands shall be let in farm or held khas, under the rules contained in the existing Regulations.

Periods fixed for registering grants and preparing the periodical registers.

XXIII. The period of one year, reckoning from the expiration of the current Willaity year 1212, shall be allowed to the proprietors to register their grants. On the expiration of that period of time, the collectors shall prepare the first periodical register of lands held exempt from the payment of revenue; and the second, third, and each successive register, at the expiration of every five years.

All the provisions contained in Reg. XIX. 1793, not superseded by this Regulation, de-

XXIV. All the provisions contained in Regulation XIX. 1793, regarding lands exempt from the payment of revenue to Government under grants not being badshahee or royal, which are not superseded by

the foregoing rules, are hereby declared to be in force in the zillah of Cuttack.

clared to be in force in Cuttack.

XXV. The following rules containing modifications of the provisions contained in Regulation XXXVII. 1793,* respecting lands held exempt from the payment of revenue under badshahee or royal grants, shall be in force in the zillah of Cuttack; and all the provisions of that Regulation which are not superseded and rendered of no effect by the following rules, shall be considered to be in force in the said zillah.

All the provisions of Reg. XXXVII. 1793, not superseded or modified by this Regulation, declared to be in force in Cuttack.

See Sec. iii. Reg. XIV. 1825.

XXVI. *First.* The term badshahee grant shall be construed to extend to all grants made by the supreme power for the time being, and consequently to include grants of the following descriptions:—First, royal grants properly so called; secondly, grants made by the Soubah of Orissa; and thirdly, grants made by the rajahs of Berar.

Description of what the term badshahee grant is meant to include. [*XXXVI.* 1803, *ii.* 1.]

Second. Altumgah, jaghire, ayma, muddudmash, or other badshahee grants, for holding land exempt from the payment of revenue, made previous to the 14th October, 1803, shall be deemed valid, provided the grantee actually and boná fide obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of Government. If it shall be proved *to the satisfaction of the court* that the grantee did not obtain possession of the land so granted previous to the 14th October, 1803, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of Government, the grant shall not be deemed valid.

Badshahee grants made previously to the 14th October, 1803, declared valid, provided the grantee obtained possession before that date and has since held possession. [*XXXVII.* 1793, *ii.* 1.]

Such grants not deemed valid if the grantee did not obtain possession, or having obtained possession, the grant was resumed prior to the above date.

Third. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue under a badshahee grant made previous to the 14th October, 1803, and on its being proved *to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed*, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the *court* shall entertain doubts as to the competency of such officer, under the powers vested in him to resume the grant and subject the lands to the payment of revenue, the *court* shall suspend its judgment, and report the circumstances to the Governor-General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant; and upon receiving the determination of the Governor-General in Council, the *court* is to act accordingly.

Courts to refer to the Governor-General in Council in the event of their doubting the authority of any officer of Government who may have resumed such grants. [*XXXVII.* 1793, *ii.* 2.]

Fourth. But no part of the preceding clauses shall be construed to empower the *courts* to adjudge any person, not being the original grantee, entitled to hold land paying revenue to Government, exempt from the payment of revenue under a jaghire or other grant made previous to the 14th October, 1803, where the grant may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Rules respecting grants for life only. [*Ib.* 3.]

Fifth. Nor to entitle the heirs of any person now holding lands exempt [*Ib.* 4.]

* See notes to Reg. XXXVII. 1793.

from the payment of public revenue, under a jaghire or other badshahee life grant made previous to the 14th October, 1803, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the grant may expressly specify it to have been given for the life of the grantee only; or supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country.

The present possessors of such life grants prohibited from transferring or mortgaging the revenue of them beyond their own lives. [*XXXVII.* 1793, *ii.* 5.]

Sixth. The present possessors of lands now exempt from the payment of revenue, under such jaghire or other life grants made previous to the 14th October, 1803, and declared by the preceding clause not to be hereditary, are prohibited from selling or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives; and all such transfers and mortgages which have been or may be made, are declared illegal and void.

All grants made since the 14th October, 1803, and not confirmed by Government or an officer duly authorized, declared invalid. [*Ib. iii.* 1.]

XXVII. All badshahee grants for holding land exempt from the payment of revenue, which may have been made since the 14th October, 1803, by any other authority than that of the British Government, and which may not have been confirmed by Government or by an officer empowered to confirm them, are declared invalid.

See Sec. iii. Reg. XIV. 1825.

Courts how to proceed, in the event of their entertaining doubts of the authority of the officer to confirm the grant. [*Ib. iii.* 2.]

XXVIII. If doubts shall be entertained by any *court* as to the competency of the authority of any officer to confirm any such grant, the *court* is to suspend its judgment, and report the circumstances of the case to the Governor-General in Council, to whom a power is reserved of determining finally, whether the officer possessed competent authority to confirm the grant, or otherwise; and the *court*, upon receiving the determination of the Governor-General in Council, shall decide accordingly.

See Sec. iii. Reg. XIV. 1825.

Periods fixed for registering grants and preparing the periodical registers.

XXIX. The period of one year, reckoning from the expiration of the Willaity year 1212, shall be allowed to the proprietors to register their grants. On the expiration of that period of time, the collectors shall prepare the first periodical register of lands held exempt from the payment of revenue under badshahee tenures; and the second, third, and each successive register, at the expiration of every five years.

Rules contained in Reg. XXIV. 1793, for deciding on claims to pensions, &c. to be in force in Cuttack, with modifications.

XXX. The rules contained in Regulation XXIV. 1793, for deciding on the claims of persons to the continuance of pensions and allowances granted for religious purposes, shall be considered to be in force in the zillah of Cuttack, in common with other Regulations extended to that zillah by Section XXXVI. of this Regulation. Provided, however, that in cases in which persons may have obtained pensions from the government of Berar, under grants made previous to the 14th of October, 1803, such pensions shall be continued to the present incumbents, and will either descend to their heirs and successors, or will revert to Government on the decease of the present incumbents, as shall appear to the Governor-General in Council, on a consideration of the tenour of the grant and all the circumstances of the case, to be proper under Section IV. Regulation XXIV. 1793. Provided likewise, that in cases in which persons shall have been

See Regs. XXII. 1806, and XI. 1813.

in the actual receipt of pensions during a period of three or more years antecedent to the 14th of October, 1803, under whatever authority, such pensions shall be continued to the present incumbents during their respective lives, but shall revert to Government on the decease of the present incumbents, unless any particular reasons shall appear to the Governor-General in Council to exist for continuing the said pensions to their heirs and successors. Provided also, that nothing herein contained shall be construed to authorize the resumption of the established donation for the support of the temple of Juggernauth, the charitable donation to the officers of certain Hindoo temples, called Anoocluttree, and the allowance granted for the support of the Hindoo temple at Cuttack, called Seetaram Thakoor Baree.

See Act X. 1840.

The collection of sayer and other internal duties abolished, with certain exceptions, and the rules in Reg. XXVII. 1793, relating to chilunta, rahdarry, &c. duties declared to be in force in Cuttack.

XXXI. The settlement of the land revenue of the zillah of Cuttack having been ordered to be made with the exclusion of all sayer duties, all duties of that description are hereby abolished in the said zillah; with the exception of the tax on the sale and consumption of spirituous liquors and intoxicating drugs, [*and the duties levied from pilgrims at Juggernauth*]: and the rules contained in Regulation XXVII. 1793, for preventing the collection of any chilunta, rahdarry, or other duties, by the zemindars, talookdars, farmers, and other holders of land in the province of Bengal, are hereby declared to be in force in the zillah of Cuttack. It is also hereby declared, that, in conformity to the spirit and principle of Clause Tenth of Section II. and the rules contained in Section VI. Regulation XXVII. 1793, it is the intention of Government to grant adequate compensations to all persons who derived advantages from the late sayer duties under competent authority from the Government of Berar, or in conformity to long and established usage.

Abolished by Act X. 1840.

Declaration of the intention of Government to make adequate compensations to persons deprived of authorized advantages by such abolition.

Reg. XXXVI. 1793, extended to Cuttack, substituting the 1st January, 1808, for the 1st January, 1796, wherever it occurs in that Regulation.

See Act XXX. 1838.

XXXII. Regulation XXXVI. 1793, is hereby declared to be in force in the zillah of Cuttack, in common with the other Regulations extended to that province by Section XXXVI. of this Regulation; provided, however, that wherever the date of the 1st of January, 1796, may occur in that Regulation, the first day of January, 1808, shall be substituted for the former date, in the decision of all cases regarding the registering of deeds of sale, gift, mortgage, or other instruments for the conveyance of property in the zillah of Cuttack.

Sunnuds granted by the commissioners to certain zemindars to hold their estates at a fixed jumma in perpetuity confirmed.

List of such zemindars.

XXXIII. The commissioners having granted sunnuds to certain zemindars, entitling them to hold their estates at a fixed jumma in perpetuity, those sunnuds are hereby confirmed. The following is a list of the names of the zemindars to whom this provision is to be considered applicable:

Zemindar of Killah Durpam,
Ditto of ditto Sookindah,
Ditto of ditto Muddoopore.

Sunnud granted by the commissioners to Futtah Mahomed, jaghiredar of Malood, to hold his lands rent free in perpetuity, confirmed.

XXXIV. The commissioners having likewise granted a sunnud to Futtah Mahomed, jaghiredar of Malood, entitling him and his heirs for ever, in consideration of certain services performed towards the British Government, to hold his lands exempt from assessment, such sunnud is hereby confirmed.

Settlement concluded by the commissioners with certain hill and jungle zemindars for payment of a fixed annual quit-rent in perpetuity, confirmed.

XXXV. *First.* The late Board of Commissioners having concluded a settlement of the land revenue with certain zemindars, whose estates are situated chiefly in the hills and jungles, for the payment of a fixed annual quit-rent in perpetuity, those engagements are hereby confirmed; and no alteration shall, at any time, be made in the amount of the revenue payable under the engagements in question to Government.

List of the mohauls to which the foregoing clause applies.

Second. The following is a list of the mohauls to which the provision in the preceding clause is applicable:

Killah Aull,	Killah Humishpore,
Ditto Cojang,	Ditto Miritchpore,
Ditto Puttra,	Ditto Bishenpore.

A settlement shall be concluded, on the principle stated in the two foregoing clauses, with the zemindars of Cordah and Kunka.

Third. The zemindaries of Cordah and Cunka being mohauls of the description of those specified in the preceding clause, a settlement shall be concluded, as soon as circumstances may admit, for the revenue of those mohauls on the principle on which a settlement has been concluded with the zemindars of the mohauls specified in the preceding clause.

All Regulations relating to the settlement or collection of the revenue, or the officers employed therein, now in force in Bengal, and not superseded by the foregoing rules, declared to be in force in Cuttack.

Exception as to the division of estates.

Exception as to the jungle or hill zemindaries, to which those Regulations are not for the present extended.

List of such zemindaries.

XXXVI. All Regulations relating directly or indirectly to the settlement and collection of the public revenue, or to the conduct of the officers employed in the performance of that duty, whether European or native, in the province of Bengal, which are not superseded by the foregoing rules, are hereby extended to, and declared be in force in the zillah of Cuttack. Provided, however, that nothing herein contained shall be construed to authorize the division of the lands comprised in any estates in the zillah of Cuttack, in which the succession to the entire estate devolves according to established usage to a single heir: in cases of this nature, the courts of justice are to be guided by the provisions contained in Regulation X. 1800. Provided also, that nothing herein contained shall be construed to imply, that any part of the said Regulations are for the present to be considered to be in force in certain jungle or hill zemindaries occupied by a rude and uncivilized race of people, with the proprietors of which estates engagements were formed by the late Board of Commissioners for the payment of a certain fixed quit-rent or tribute to Government. The following is a list of the names of the mohauls to which this exemption from the operation of the general Regulations is to be considered applicable.

See Reg. XI. 1816, and Act XX. 1850.

Killah Neelgery,	Killah Toalcherry,	Killah Rampore,
Ditto Bankey,	Ditto Attghurh,	Ditto Hindole,
Ditto Joormoo,	Ditto Kunjur,	Ditto Teegereah,
Ditto Nirsingpore,	Ditto Kindeapara,	Ditto Burrumboh,
Ditto Augole,	Ditto Neahgurh,	Ditto Deckenaul.

Similar exceptions from the operation of the general Regulations considered applicable to the territory of Mohurbunge.

XXXVII. The foregoing exemption from the operation of the general Regulations shall likewise, for the present, be considered to be applicable to the lands known by the appellation of the territory of Mohurbunge; but it shall be the duty of the collector of the zillah to conclude a settlement with the proprietor of that estate for the payment of a fixed annual quit-rent, on the principles on which a settlement has been concluded with the other hill or jungle zemindars specified in the preceding section.

A.D. 1805. REGULATION XIII.*

Reg. XIII. 1805.

A REGULATION *for the Maintenance of the Peace and for the Support and Administration of the Police in the Zillah of Cuttack, and for amending certain Provisions contained in Regulation IV.* 1804: PASSED *by the Vice-President in Council, on the 5th of September,* 1805.

I. WHEREAS it is essential to the security of the persons and property of the inhabitants of the districts and lands included in the province of Cuttack and its dependencies, that a regular and efficient system of police should be maintained in the said province: And whereas it was the practice in the said province, when under the Mahratta Government, to vest the immediate maintenance of the peace in certain sirdar pykes, also called kandytes, aided by inferior pykes under the orders and control of the said sirdars, for whose support lands were assigned under the orders and authority of the said Government: And whereas the general control of the said sirdars and other pykes was vested at the time of the conquest of the province of Cuttack by the British arms in the zemindars, talookdars, farmers, and other holders of land, within the limits of their respective estates and farms, excepting in cases in which they had been specifically deprived of the charge of the police by the said Government, either for misconduct or for inability to perform the duty intrusted to them, or for other substantial reasons: And whereas, in such cases, it was usual to vest the general charge of the police, within certain established limits, in the said sirdar pykes or kandytes above mentioned: And whereas experience has demonstrated that the system of police at present established in the province of Cuttack is well calculated for the prevention of crimes and for the maintenance of the general tranquillity of the country; the following rules have been enacted, to be immediately in force in the province of Cuttack, including the pergunnahs of Puttespore, Kummardichour, and Bograe.

The districts and lands comprised in the province of Cuttack, with certain exceptions, shall be formed into one zillah, to be denominated the zillah of Cuttack.

II. The districts and lands comprised in the province of Cuttack, with the exception of the pergunnahs of Puttespore, Kummardichour, and Bograe, shall be formed into one zillah, instead of two zillahs, as prescribed in Regulation IV. 1804, and shall be denominated the zillah of Cuttack.

Certain pergunnahs shall be included in the zillah of Midnapore, but subject to the Regulations enacted for Cuttack.

Governor-General in Council may alter the boundaries as may appear expedient.

III. The above-mentioned pergunnahs of Puttespore, Kummardichour, and Bograe, shall be included, as at present, in the zillah of Midnapore; subject, however, to all the laws and regulations which have been or may be enacted for the internal government of the zillah of Cuttack; provided, nevertheless, that it shall at any time be lawful for the Governor-General in Council, by an order in council, to make any alteration with respect to

* The rules of this enactment are modified in operation by those of Reg. XX. 1817, though no part is specifically rescinded.

the boundaries of the said zillahs of Midnapore and Cuttack, which may appear to be expedient.

Rules for the appointment of darogahs for the maintenance of the police.

IV. *First.* The following rules shall be observed in the appointment of darogahs for the maintenance of the police in the zillah of Cuttack, and in the above-mentioned pergunnahs of Puttespore, Kummardichour, and Bograe.

Such of the zemindars as have not been formally divested of the charge, shall continue to act as police officers in their respective estates, under the responsibility stated in Sec. vi. Reg. IV. 1804.

Proprietors of large estates shall be constituted darogahs.

Proprietors of petty estates to be subordinate officers under darogahs to be selected and appointed.

Second. In cases in which the zemindars, talookdars, and other landholders, have not been formally divested of the charge of the police within the limits of their respective estates, for misconduct or any other reason, either by the late Mahratta Government or by the Board of Commissioners for the settlement of the affairs of Cuttack, such zemindars, talookdars, and other landholders, shall continue, under the responsibility stated in Section VI. Regulation IV. 1804, in charge of the police, according to established usage, within their respective estates; that is, the principal zemindars, talookdars, and other landholders, being proprietors of large estates, shall be constituted darogahs of police within the limits of their respective possessions; and the inferior zemindars, talookdars, and other landholders, being proprietors of petty estates, shall be considered to be subordinate officers of police, subject to the above-mentioned responsibility, under the immediate authority of darogahs, who shall be selected and appointed for the maintenance of the police in estates or mohauls of the latter description.

In cases in which any zemindars, &c. have been divested of the charge of the police, kandytes shall be nominated to the charge under the control of darogahs.

Third. In cases in which any of the zemindars, talookdars, and other landholders, have been divested of the charge of the police (as above noticed) within the limits of their respective estates, one, two, or more kandytes or sirdar pykes, according to the extent of such estates, shall, in conformity to established usage, be vested with the immediate maintenance of the peace, the apprehension of public offenders, and other duties of that description, within the limits of the said estates; subject, nevertheless, to the control of darogahs, who shall be appointed for the superintendence of the police and the general control of the conduct of the said kandytes and all inferior officers of police, within the limits of the authority of the said darogahs respectively.

Darogahs to receive such salaries as Government may fix.

Fourth. The darogahs who may be appointed under Clauses Second and Third of this section, shall receive such salaries as the Governor-General in Council may think proper to fix for their support, on a consideration of the labour and responsibility of the offices held by them.

Lands assigned by the late Government for the maintenance of the sirdars and other pykes shall be continued to them.

Such officers subject to the authority of the darogahs.

Cases in which they may be dispossessed of their lands, and how the

V. Certain lands having been assigned by the authority of the late Government for the maintenance of the said sirdar pykes and inferior pykes, under the control of such sirdars, for the support of the general police of the country, those lands shall be continued to the said sirdar and other pykes for the purposes to which they have been hitherto appropriated. It is to be understood, however, that all officers of that description shall be considered subject to the authority of the darogahs of police, whether zemindars or others, within their respective limits, and shall be bound to conform to all legal orders which may be issued to them by such darogahs, conformably to the powers with which the darogahs may be invested. It is further to be understood, that any sirdar or other pyke will be liable to be dispossessed of his lands for any disobedience of orders,

neglect of duty, undue violence, or other misconduct; provided, however, that whenever a magistrate shall be of opinion that any kandyte or sirdar pyke ought to be dismissed from his office, or whenever the place of such officer shall become vacant from death or any other cause, the magistrate shall report the circumstances of the case to the Nizamut Adawlut, who will pass such orders on the subject as shall appear to them to be proper, under the general powers vested in them by Regulation V. 1804; provided, likewise, that whenever any vacancy shall occur among the inferior pykes, either from dismissal, death, or otherwise, the places of such pykes shall be supplied by the sirdar pyke, on declaring himself to the magistrate responsible for the conduct of the person recommended by him.

magistrate is to proceed in such cases, or in cases of vacancy of such offices.

VI. It shall be the duty of the darogahs of police, whether zemindars or others, under the guidance and instructions of the magistrates, to form a complete register of the sirdar and other pykes within the limits of the authority of the said darogahs respectively.

Darogahs to form a complete register of the sirdar and other pykes

VII. It shall further be the duty of the darogahs of police to ascertain and fix, under the orders of the magistrates, the limits of the local authority of the kandytes or sirdar pykes, and of the inferior officers of police attached to the said sirdars, so that every part of the province of Cuttack, whether consisting of lands paying revenue to Government or of lands exempt from the payment of revenue, may receive the protection of the subordinate officers of police, under the directions of the darogahs and the general control of the magistrates.

The darogahs shall fix, under the orders of the magistrates, the limits of the local authority of the kandytes and other inferior officers of police

VIII. Nothing contained in this Regulation shall be construed to exempt the zemindars, talookdars, farmers, and other holders of land, although they be not formally constituted officers of police, from the duty of affording every assistance in the prevention of breaches of the peace and in the apprehension of public offenders, who are immediately to be delivered into the custody of the nearest officers of police.

This Regulation not to exempt the zemindars, &c. from affording every assistance in their power for the prevention of breaches of the peace, &c.

IX. Any zemindar, talookdar, or holder of land exempt from revenue, who may be suspected of conniving at any robbery or other public offence, will be liable to be prosecuted before the Criminal Courts of the country, and punished on conviction, under the general laws and regulations of the country.

Zemindars, &c. suspected of conniving at robbery or other offences liable to prosecution, before the criminal courts.

X. It shall be the duty of the collectors of Cuttack and Midnapore to form a complete register of the lands assigned for the support of the sirdar and other pykes, specifying the quit-rent payable to the zemindars, talookdars, and other landholders (if, according to established usage, the lands have been hitherto subject to the payment of such quit-rent), and to transmit a copy of the register required to the Board of Revenue, to be deposited among the records of that board.

Collectors of Cuttack and Midnapore to form a complete register of the lands assigned for the sirdar and other pykes, and to transmit a copy to the Board of Revenue.

XI. The foregoing rules regarding the sirdar and other pykes, and the lands assigned for their support, are not to be considered applicable to certain doosauds, or village watchmen, entertained by the zemindars, talookdars, and other landholders, for the purpose of watching crops, guard-

The foregoing rules not to be applicable to doosauds, or village watchmen, entertained by the landholders.

ing granaries, and other duties of that nature; which officers shall be left under the exclusive control of the zemindars, talookdars, and other landholders, as heretofore.

Authority of the Board of Commissioners in Cuttack discontinued.

XII. The Board of Commissioners for the settlement of the affairs of Cuttack having been abolished by the Governor-General in Council, the authority of that board in the said province has been discontinued.

General extension of the Regulations for the police, and the administration of criminal justice to Cuttack.

XIII. All laws and regulations for the maintenance of the police, and for the administration of justice in criminal cases, in the province of Bengal, which have been or shall be enacted, and which shall not be inconsistent with or repugnant to the provisions contained in this Regulation; and likewise such of the rules contained in Regulation IV. 1804, as are not either specifically or virtually rescinded by the present Regulation, shall have full force and effect in the zillah of Cuttack, and in the pergunnahs of Puttespore, Kummardichour, and Bograc, included in the zillah of Midnapore; provided, however, that no part of this Regulation shall be construed for the present to extend to the estates of certain hill or jungle rajahs or zemindars, of which the following is a list:

No part of this Regulation to be construed to extend to the estates of certain hill and jungle rajahs or zemindars.

Killah Neelgory,	Killah Attgurh,	Killah Teegereah,
Ditto Bankey,	Ditto Kunjur,	Ditto Burrumboh,
Ditto Joorinoo,	Ditto Kindeapara,	The territory of Mohurbunge.
Ditto Nirsingpore,	Ditto Nealgurh,	
Ditto Augole,	Ditto Rampore,	
Ditto Toalcherry,	Ditto Hindole,	

Reg. XIV. 1805.

A.D. 1805. REGULATION XIV.*

A REGULATION *for the Administration of Justice in Civil Cases in the Zillah of Cuttack:* PASSED *by the Vice-President in Council, on the 5th of September*, 1805.

I. WHEREAS it is necessary that provision should be made for the administration of justice in civil cases in the zillah of Cuttack; and whereas it has been judged to be advisable to extend to the said zillah the laws and regulations established for the trial of civil cases in the province of Bengal, and in that part of the province of Orissa which was heretofore subject to the British Government; the following rules have been enacted, to be in force from the period of their promulgation in the zillah of Cuttack, including the pergunnahs of Puttespore, Kummardichour, and Bograc.

Zillah of Cuttack included in the jurisdiction of the Provincial Court of Appeal for the division of Calcutta.

II. *The zillah of Cuttack shall be included in the jurisdiction of the Provincial Court of Appeal for the division of Calcutta.* Superseded.

* The extent and division of zillah Cuttack have been altered since the passing of this Regulation.

III. A Court of Adawlut shall be established in the zillah of Cuttack for the trial of civil suits in the first instance.

A Court of Adawlut established in zillah Cuttack for the trial of civil suits.

IV. The jurisdiction of the Zillah Court of Cuttack shall not extend to the pergunnahs of Puttespore, Kummardichour, and Bograe, at present annexed to the zillah of Midnapore; provided, however, that it shall be competent for the Governor-General in Council, by an order in Council, to make any alteration in the limits of the said zillah which shall appear to him to be expedient.

Jurisdiction of the Zillah Court of Cuttack shall not extend to certain pergunnahs annexed to the zillah of Midnapore

Competent to the Governor-General in Council to alter the limits of such jurisdiction.

V. The Courts of Adawlut are prohibited from hearing, trying, or determining the merits of any civil suit whatever in the zillah of Cuttack, including the above-mentioned pergunnahs, if the cause of action shall have arisen at a period being twelve years antecedent to the 14th day of October, 1803, the date on which the fort and town of Cuttack were surrendered to the British arms.

Courts of Adawlut prohibited from hearing, trying, or deciding civil suits, wherein the cause of action shall have arisen twelve years antecedent to the 14th October, 1803.

VI. It is to be understood that the powers vested in the Zillah Courts by the foregoing clause to receive and try suits, in which the cause of action shall have originated prior to the 14th of October, 1803, are to be restricted to the trial of suits of a private nature between individuals, of which cognizance would have been taken by the courts, officers, or authorities, established for the administration of justice under the government of Maha Rajah Raghoojee Bhoonslah; and that such powers are not to be considered to extend to authorizing the Zillah Courts to take cognizance of any civil suits originating in acts of the Maha Rajah's government or of his officers, or in engagements contracted by individuals with the officers of the Maha Rajah's government in their official capacities, and of which, according to the usages of their government, cognizance would not have been allowed to be taken by the persons intrusted with the exercise of judicial authority. This rule shall likewise be considered to be applicable to any suits in the zemindaries of Aul, Cojung, Puttrah, Hurrishpore, Muritchpore, Bishenpore, Kunkah, and Kordah, or in which the zemindars, talookdars, farmers, ryots, or other inhabitants of those mohauls, may be parties, either as plaintiffs or defendants, and of which, according to the policy observed by the late Mahratta Government with respect to those mohauls, cognizance would not have been taken by the judicial officers of that government.

Such restriction to extend to cases of a private nature between individuals, of which cognizance would have been taken by the authorities established under the former Government, but not to civil suits originating in acts or engagements of the officers of the former Government in their official capacities, or to suits in certain zemindaries, of which cognizance would not have been taken under the former Government.

VII. If any Zillah Court shall entertain doubts whether any suit preferred to it is cognizable by it under the restrictions contained in the preceding section, such court shall state the circumstances *to the Provincial Court of Appeal, which court shall forward the same, with its opinion thereon*, to the Sudder Dewanny Adawlut; and the Sudder Dewanny Adawlut shall submit the case to the Governor-General in Council, and shall abide by such orders as he may pass with regard to the admission or rejection of the suit.

How the Zillah Courts are to proceed in cases wherein they may entertain doubts whether suits are cognizable under the preceding section

VIII. After the period of twelve years shall have elapsed from the date of the conquest of the province of Cuttack, the Courts of Adawlut are prohibited from hearing, trying, or determining the merits of any civil suit,

Courts prohibited from hearing, trying, and deciding any suit wherein the cause of

action shall have arisen twelve years antecedent to its institution, unless the complainant can assign satisfactory cause for the delay. The courts are not, in any case, after the expiration of twelve years, to entertain any suit in which the cause of action shall have arisen previous to the 14th October, 1803.

with the exception of the suits described in Sections II. and III. Regulation II. 1805, if the cause of action shall have arisen at a period being twelve years antecedent to the date on which the petition for the institution of such suit shall be presented to the court; unless the complainant can show, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money; or that he directly referred his claim, within that period, to the matter in dispute, to a court of competent jurisdiction, or person having authority, whether local or otherwise, for the time being, to hear such complaint, and to try the demand; and shall assign satisfactory reasons to the court why he did not proceed in the suit; or shall prove that, either from minority or other good and sufficient cause, he was precluded from obtaining redress: provided, however, that it shall not be competent to the Zillah Courts, under the powers vested in them by this clause, to hear, try, or determine the merits of any civil suit whatever, if the cause of action shall have arisen previous to the 14th day of October, 1803.

Rules respecting the payment of interest upon money.

Rule when the cause of action shall have arisen before the 14th October, 1803.

IX. *First.* The following rules shall be observed in the zillah of Cuttack, including the pergunnahs of Puttespore, Kummardichour, and Bograe, respecting the payment of interest on money.

See Sec. vii. Reg. XVII 1806, and Act XXXII. 1839.

Second. If the cause of action shall have arisen before the 14th of October, 1803, the Courts of Civil Judicature are not to decree a higher or lower rate of interest than the following, unless a lower rate of interest shall have been stipulated to be paid by the parties in the suit:

On sums not exceeding one hundred sicca rupees, two rupees and eight annas per mensem, or thirty per cent. per annum.

On sums exceeding one hundred sicca rupees, two per cent. per mensem.

No greater interest than twelve per cent. per annum to be decreed when the cause of action shall have arisen subsequently to the 14th October, 1803.

Third. If the cause of action shall have arisen on or subsequently to the 14th of October, 1803, the courts are not to decree interest on any sum whatever above the rate of twelve per cent. per annum.

No interest shall be decreed in cases wherein the bond, &c. granted subsequently to the above date shall stipulate a higher interest than twelve per cent. per annum.

Nor in cases wherein any attempt has been made to elude the rules prescribed in the foregoing clauses.

Fourth. The courts are not to decree any interest whatever, in any case where the bond or instrument given for the security and evidence of the debt shall have been granted on or subsequently to the 14th day of October, 1803, and shall specify a higher rate of interest than is authorized in Clause Third of this section.

Fifth. Nor to decree any interest whatever in favour of the plaintiff, in any case where the cause of action shall have arisen on or subsequently to the 14th of October, 1803, where a greater interest than that which is authorized by this Regulation shall have been received, or stipulated to be received, if it be proved that any attempt has been made to elude the rules prescribed in it, by any deduction from the loan, or by any device or means whatever; nor to give any other judgment but for the dismission of the suit, with costs to be paid by the plaintiff.

Such suits to be dismissed, with costs to be paid by the plaintiff.

Rules in cases of mortgages of real property.

Sixth. In cases of mortgages of real property, executed prior to the 14th of October, 1803, in which the mortgagee may have had the usufruct of the mortgaged property (whether he shall have held it in his own possession or not), the usufruct is to be allowed to the mortgagee in lieu of interest, agreeably to the former custom of the country (provided it shall

have been so stipulated between the parties), until the above-mentioned date; subsequently to which the same interest is to be allowed on such mortgage-bonds, and also on all bonds for the mortgage of real property, which have been entered into on or since that date, or that may be hereafter executed, as is allowed on all bonds which have been or may be granted on or posterior to such date, and no more; and all such mortgages are to be considered as virtually and in effect cancelled and redeemed, whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property, subsequent to the 14th day of October, 1803, or otherwise liquidated by the mortgagor.

Jurisdiction of the Sudder Dewanny Adawlut extended to Cuttack.

X. The jurisdiction of the Court of Sudder Dewanny Adawlut is hereby extended to the zillah of Cuttack.

General extension of the Regulations which now are, or may hereafter be in force in the provinces of Bengal, Behar, and Orissa, to Cuttack

XI. The laws and regulations which now are, or which may be hereafter established in the provinces of Bengal and Behar, and in that part of Orissa heretofore subject to the British Government, for the guidance of the zillah judges, of the judges *of the Provincial Courts of Appeal, and* of the Sudder Dewanny Adawlut, for the administration of justice in civil cases, including the Regulations for the manufacture of salt, *for the provision of the investment*, and generally regarding all cases and matters subject to the cognizance of the Courts of Civil Judicature in the said provinces, which are not already extended to the zillah of Cuttack, and which are not repugnant to, or inconsistent with, any of the provisions above stated, or with any of the provisions contained in Regulations XII. and XIII. 1805, are hereby declared to be in force in that zillah, and in the pergunnahs of Puttespore, Kummardichour, and Bograe; provided, however, that nothing herein contained shall be construed, for the present, to be applicable to the estates of certain hill or jungle rajahs or zemindars, of whom a list is inserted in Section XXXVI. Regulation XII. 1805; and provided, likewise, that in cases in which the Bengal language and character are directed to be used in the province of Bengal, the Ooriya language and character shall be used in the zillah of Cuttack and in the above-mentioned pergunnahs.

Exceptions.

Reg. XV. 1805.

A.D. 1805. REGULATION XV.

A REGULATION *for the Appointment of the Mahomedan and Hindoo Law Officers of the Zillah and City Courts to be Commissioners for the Trial of referred Causes, to the Amount or Value of One Hundred Sicca Rupees; and to make further Provision for the Appointment of Head Native Commissioners in the several Zillahs and Cities:* PASSED *by the Vice-President in Council, on the* 12*th of September*, 1805.

[The provisions of this Regulation are superseded by the later enactments regulating the appointment and duties of principal sudder ameens, sudder ameens, and moonsifs.]

Reg XVI. 1805.

A.D. 1805. REGULATION XVI.*

A REGULATION *for extending the Jurisdiction of the Court of Circuit for the Division of Calcutta, and of the Court of Nizamut Adawlut, over the Settlements of Chandernagore and Chinsurah, in certain Cases; and for defining the Powers and Duties of the Superintendent of Chandernagore and Commissioner of Chinsurah, in his Capacity of Magistrate for those Settlements:* PASSED *by the Vice-President in Council, on the* 19*th of September*, 1805.

* The provisions of this Regulation have ceased to be in force since the settlements of Chandernagore and Chinsurah were restored to the Governments of France and of the Netherlands respectively.

Chinsurah was subsequently ceded in perpetuity to the British Government by treaty dated 17th March, 1824, and was annexed to zillah Hooghly by Reg XVIII. 1825.

Reg XVII 1805.

A.D. 1805. REGULATION XVII.

A REGULATION *for modifying the Rules contained in Regulation VIII.* 1793, *respecting the Management of joint undivided Estates:* PASSED *by the Vice-President in Council, on the* 24*th of October*, 1805.

I. WHEREAS inconvenience has been experienced in providing for the management of joint undivided estates, under the rules contained in Sec-

tions XXIII. XXIV. and XXV. Regulation VIII. 1793, in consequence of the reluctance manifested generally by the proprietors to elect a manager as prescribed in those rules: And whereas it appears to be most conducive to the convenience of Government, and most conformable to the wishes and sentiments of the proprietors themselves, that they should be left to manage their estates without any local interference on the part of the officers of Government: And whereas any of the joint proprietors of such estates may at any time obtain a division and separation of their respective shares of the lands whenever they may deem it conducive to their interests to have recourse to that measure; the Vice-President in Council has accordingly passed the following rules, to be in force from the time of their promulgation in the provinces of Bengal, Behar, and Orissa, including Cuttack.

Secs. xxiii. xxiv. and xxv. Reg. VIII. 1793, rescinded; and proprietors of joint undivided estates left to manage them as they may think advisable under the general Regulations.

II. Sections XXIII. XXIV. and XXV. Regulation VIII. 1793, are hereby rescinded; and the proprietors of joint and undivided estates shall, in future, be left to manage their estates in such manner as they may think most advisable, under the general Regulations, without any interference on the part of the collector or the Board of Revenue, in the appointment of a manager for the collection of the revenues of the lands from the tenants, farmers, and others.

Estates of such proprietors liable to be sold for arrears, as at present, and the proprietors jointly and severally responsible for the revenue.

III. The estates of joint proprietors will, of course, be liable to be sold as at present, for the recovery of any arrears which may at any time become due therefrom to Government, and the proprietors themselves shall be considered jointly and severally responsible for the payment of the public revenue assessed upon such estates, should it at any time be necessary to have recourse to a sale of the separate property of any individual sharers, or to the confinement of their persons for the recovery of the arrears due from their estates to Government.

Payments of revenue shall be carried to the account of the estate at large, and not to the account of any individual proprietor.

IV. The payments of revenue shall be carried to the account of the estate at large, and not to the account of any individual proprietor.

See Sec. xxvi. Reg. V. 1812.

The guardians of proprietors of joint undivided estates who may be disqualified for the management of their own concerns, shall exercise the same powers as could be exercised by the proprietors if qualified.

V. In cases in which one or more of the proprietors of a joint undivided estate may be minors, or may be otherwise disqualified for the management of their own concerns in consequence of natural defects or infirmities, the guardians of such persons, whether nominated by the will of their parents or by the zillah judges, under Regulation I. 1800, shall superintend the interests of such disqualified persons, and shall exercise the same powers in the management of the estate of their wards as could be exercised by the proprietors themselves, were they qualified for the direction of their own affairs.

Reg. XVIII. 1805.

A.D. 1805. REGULATION XVIII.*

A REGULATION *for the Appointment of a Magistrate of the Jungle Mehals, in Zillahs Beerbhoom, Burdwan, and Midnapore: and for declaring and extending the Rules prescribed for Zemindars and Managers of Zemindarries intrusted with the Police in those Mehals:* PASSED *by the Honourable the Vice-President in Council, on the 13th December,* 1805.

* By Reg. XIII. 1833, such parts of this Regulation as relate to the constitution of zillahs Ramghur and Jungle Mehals were rescinded. An officer was appointed, under the designation of agent of the Governor-General for the administration civil, criminal, revenue, police, and general, in the parts specified in that Regulation, and it was declared competent to the Governor-General, by an Order in Council, to annex the portions not included in the jurisdiction of the agent to any adjacent zillah, &c. as he might deem expedient.

Reg. XIX. 1805.

A.D. 1805. REGULATION XIX.

A REGULATION *for defining the Form of Address and Channel of Application to be observed by public Officers in the Judicial, Revenue, and Commercial Departments, who may have Occasion, in the Discharge of their official Duties, to make Applications to his Highness the Nawaub Nausser ul Moolk, Nazim of Bengal:* PASSED *by the Honourable the Vice-President in Council, on the 19th of December,* 1805.

I. WHEREAS it is provided by Section X. Regulation XVI. 1793, that complaints of a certain description shall be referred to his Highness the Nazim of Bengal: And whereas it has been deemed necessary, with a view to the support of the high rank, dignity, and established rights of the Nawaub, that a particular form of address and a regular channel of communication should be established for the guidance of the zillah and city magistrates and of any other officers of the British Government, in referring complaints of the description of those above noticed to his Highness the Nazim of Bengal, or in making any other applications to his highness; the following rules have been enacted by the Vice-President in Council, to be in force from the time of the publication of this Regulation.

All references or applications to the Nawaub to be made by the judicial officers through the superintendent of Nizamut affairs.

II. All references which the officers in the judicial department may have occasion to make to the Nawaub of Bengal under the provisions contained in Section X. Regulation XVI. 1793; and generally, all other applications which those officers may deem it necessary to make to the Nawaub, shall be transmitted to his Highness through the channel of the officer holding the appointment of superintendent of Nizamut affairs.

III. All applications which the collectors of the land revenue in the different zillahs or the collectors of government customs, or any other public officer, may find it necessary to make to the Nawaub, on matters connected with their respective public duties, shall in like manner be transmitted to his highness through the channel of the superintendent of Nizamut affairs.

All applications from other officers to be made through the same channel.

IV. Applications or references, of the nature above described, may be transmitted by the public officers of Government in the form of a letter in the Persian language addressed to his Highness the Nawaub, under the signature of the person by whom such application may be made, and forwarded under an unsealed envelope to the superintendent of Nizamut affairs; or the substance of the reference or application may be stated in an English letter addressed to the superintendent of Nizamut affairs, who will, without loss of time, make the necessary communication to the Nawaub, and forward his answer to the officer of Government from whom the application may have been received.

Mode in which such references or applications are to be forwarded.

V. Whenever an application may be made in writing addressed to his Highness the Nawaub, one established address, suitable to the high rank of the Nawaub and to the official situation of the person by whom the application may be made, shall be observed, agreeably to the form contained in the Persian transcript of this Regulation.

One established form to be observed in applications in writing to the Nawaub.

VI. All applications to her Highness the Munnee Begum, to the Bubboo Begum, or to the Waledeh Begum, or to the brothers of his Highness the Nawaub, sons of the late Nawaub Mobarek-ul-Dowlah, or to his brothers by marriage with the daughters of his father, shall be addressed according to the form above prescribed to his Highness the Nawaub, and forwarded through the superintendent of Nizamut affairs.

Similar form to be observed in addressing the other branches of the Nawaub's family.

VII. Should it, on any occasion, appear to the superintendent of Nizamut affairs that the reference or application which he may be desired to make to the Nawaub is liable to objections, either from its tenour or from defect of form, the superintendent may, in such case, delay the communication of it to the Nawaub and report the circumstances to the Governor-General in Council, who will pass such orders on the subject as the case may appear to require.

Superintendent of Nizamut affairs to report to Government on applications which he may deem liable to objection.